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SYDNEY HOWARD GAY, Editor.

Without Concealment--Without Compromise.

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Selections.

SPEECH
OF
MR. HALE, OF NEW HAMPSHIRE,
ON
THE TERRITORIAL QUESTION.

Delivered in the Senate of the United States, Tuesday, March 19, 1850.

The Senate having under consideration the compromise resolutions submitted some time since by Mr. CLAY—

MR. HALE.—Mr. President, it seems to have been admitted by almost every one who has addressed the Senate on the subject which has for some time past engaged the attention of this body, that the Senate and the country at large are divided into two classes—I will not say two great classes, but one large and one very small one: that the great body of the Senate and of the country are patriotic; that they earnestly and anxiously desire that the distracting questions which divide and harrass the country may be settled upon some just and patriotic grounds; while on the other hand, there are a few, designated as *extremists*, or *ultraists*, who do not desire to see any such end effected; who desire, in other words, to promote agitation; who are anxious for nothing but trouble and disturbance; whose sole purpose is to increase the irritation that already exists in the community—to keep the public mind sore, the public pulse throbbing irregularly with feverish heat. Nothing, it is said, is so strange as the physical and moral organization of these few gentlemen; agitation is the aliment upon which they feed, and by which they live: take away that, and their life, their occupation, all which furnishes them with a motive for living, is gone.

Now, I have not a word to say personally against this; I am glad, sir, that these *ultraists*, if they do nothing more, at least accomplish this much good—that they afford this wholesome safety-valve to these extra exhibitions of patriotism on the part of those who are in the habit of addressing the Senate. Hardly any one seems to suppose that he has discharged the duty which he owes to the country, or done what he ought to do to satisfy his constituents, unless he mingles with the suggestions which he makes wholesale denunciations against those *ultraists*—those agitators; and even the calm and judicial mind of the Senator from North Carolina, who has just concluded his remarks, is so infected with the prevailing mania, that even he, educated as he has been upon the bench, where he learned to sanction a line of safe precedents, could not sit down satisfied that he had discharged his duty, until he had relieved his conscience of a due proportion of vituperation against these miserable fanatics and agitators.

I think, then, it must be granted that the agitators do some good—at least by affording a safe and wholesome channel through which this extra exhibition of patriotic indignation may find vent. I do hope that, if it be not conceded that they do any other good, at least credit will be accorded to them for this much. I have not a word to say in reference to the good taste or the truth and candor which prompts such a course. I make no appeal to gentlemen, who feel a consciousness in their own breasts that they are governed by high, pure, and elevated motives, to consider how far it is consistent with a proper self-respect to be continually employed in depreciating and attacking the motives of others.

When I obtained the floor, sir, some time since, after the address that was delivered by the distinguished Senator from South Carolina, who is not now in his seat, I suggested that, according to my reading of history, the account which he had undertaken to give of agitations sounded to my mind more like the romance than the truth of history, and that I designed, upon some occasion, when it suited the convenience of the Senate, to set history right in some particulars alluded to by him. And that is one of the objects I propose to myself to-day. I shall, sir, be compelled to call the attention of the Senate to the speech of the Senator from South Carolina somewhat in detail; and, in devoting some few moments to a preparation upon this subject, I endeavored to make something of an analysis of it. Before I had proceeded very far in my examination, I found it assumed the form of a regular catechism—questions and answers being given. In the first place it commenced with a concession of the fact that the Union was in great danger; then it asks—

"1. How can the Union be preserved?

"*Answer.*—To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and character of the cause by which the Union is endangered.

"2. What has endangered the Union?

"*Answer.*—To this question there can be but one answer; that the immediate cause is the almost universal discontent which pervades all the States composing the Southern section of the Union.

"3. What is the cause of this discontent?

"*Answer.*—It will be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honor and safety, in the Union.

"4. What has caused this belief?

"*Answer.*—One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place. There is another lying back of it, with which this is intimately connected, that may be regarded as the great and primary cause. That is to be found in the fact that the equilibrium between the two sections in the Government, as it stood when the Constitution was ratified and the Government put in action, has been destroyed."

Now, Sir, the first act of the Government, in the series of these events which has broken up this equilibrium and caused this universal discontent, the honorable Senator says, is the Ordinance of 1787. I shall not undertake to go particularly into the history of that Ordinance, because it is familiar to the Senate and the country, and has been frequently referred to by gentlemen who have already addressed the Senate on this subject. This, mark you, is the first in the series of Northern aggressions by which the equilibrium which once existed has been destroyed.

Mr. Butler.—The word "aggression" does not occur in his speech, in that connection, at all.

Mr. Hale.—I do not know exactly whether the Senator used the word "aggression" or not; perhaps he did not.

Mr. Butler, (in his seat.) I know he did not.

Mr. Hale.*—At any rate, it is one of the acts which has destroyed the equilibrium. That is it. The equilibrium is spoken of by the Senator several times, and the Ordinance of 1787 was one of the first of this series of events which, he claims, destroyed the equilibrium. And, sir, it is curious that this first act of Northern aggression—the Ordinance of 1787—was adopted in the Convention of 1787, with but a single dissenting vote, and that was a Northern vote. Yes, sir, the only vote in the Convention of 1787 against this Ordinance, which is said to have broken up the equilibrium of the States that originally existed, and which was to be perpetuated between the Northern and Southern States, was a vote from a Northern State—the State of New York; for the delegates from every other State voted unanimously for it—the delegates from South Carolina among the number.

Well, sir, what followed? I propose to show now, if the Senate will give me their attention, that this famous ordinance of 1787, which has now got to be the Wilmot Proviso, and which is deemed to be so insulting to the southern States of the Confederacy, if it is retained in our Federal legislation; that this Ordinance of 1787, older than the Constitution, was re-enacted by the first Congress which assembled under that Constitution, and in the preamble to the act which recognized the Ordinance it is expressly recited that it is done in order that its provisions shall be made conformable to the Constitution of the United States. The act was approved the 7th August, 1789, and is to be found in chapter 8th of the laws of the United States. The preamble I will read. It is as follows:

"Whereas, in order that the Ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States."

That, sir, was the position of the first Congress that assembled under the Federal Constitution; it re-enacted and re-established the provisions of that Ordinance. Now, sir, we have been told to-day, as well as on previous occasions, that, if this principle is insisted on, it is an insult and such a grievous wrong that the southern States, if they remain in the Confederacy, will remain not from any principle of attachment to the Union, but from fear of the bitter consequences which might follow secession. Now, I undertake to say that I will prove, to the satisfaction of every reasonable man who can read the statutes of the country, that the principle embodied in that Ordinance of 1787, and re-enacted by the first Congress under the Federal Constitution—who declared that they did it to adapt its provisions to those of the Federal Constitution—has been continued to be re-enacted, in substance, from the time of General Washington, who signed the first act, down to James K. Polk, who signed the same provision in the Oregon bill; and that the talk which is raised by gentlemen about making an unequal and unjust discrimination about property, has no foundation which may not with equal justice be alleged against every one of the acts of the Federal Government organizing Territories, which mark our history from the adoption of the Constitution down to the present time. I ask the attention of the Senate to the subject. It will be found that, as early as 1794, on the 22d March, by an act of Congress, General Washington then being President—whilst the foreign slave trade was not prohibited, and could not be by the provisions of the Federal Constitution until 1808; while the trade in foreign slaves was the subject of legitimate commerce under the Constitution; while every citizen of the United States had a right, under the laws and the Constitution, to go from any port of the United States—Congress, in 1794, made a discrimination against this species of property, and prohibited the building or fitting out of any vessel for the purpose of carrying slaves to any foreign country; they might bring them here; but Congress thus far discriminated against that species of property as early as 1794, whilst it was a subject of legal commerce under the Constitution of the United States. Congress did not interfere, provided the slaves were brought home; but they did, and utterly destroyed that species of property as an article of commerce, when an attempt was made to carry it to any foreign country. That was an act passed under George Washington. Its provisions were as follows:

"*An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country.*

"Sec. 1 prohibits building or fitting out vessels for the purpose of carrying slaves to any foreign country, or procuring them in any foreign country to carry them to another. Vessels fitted out for that purpose forfeited.

"Sec. 2 imposes a penalty of $2,000 on any person aiding or abetting in fitting out such a vessel.

"Sec. 3. Any owner, master, or factor of any vessel clearing for Africa, or suspected of being intended for the slave trade, are required to give bond in substance not to violate the provisions of this act.

"Sec 4 imposes a penalty of $200 for every person received on board any vessel in violation of this act.

"G. WASHINGTON.

"Approved, March 22, 1794."

That is an act passed in 1794. Well, sir, other acts of a similar character, only more express and explicit in their provisions, may be found. In the act of 1798, for the settlement of the limits of the State of Georgia, and the establishment of a Government for the Mississippi Territory, passed on the 7th April, 1798:

"Sec. 3 establishes a Government for the Mississippi Territory, in all respects similar to that now exercised in the Territory northwest of the river Ohio, excepting and excluding the last article of the Ordinance made for the government thereof by the late Congress, on the 13th of July, 1787, which provides that there shall be neither Slavery nor involuntary servitude, otherwise than in the punishment of crimes, &c.

"Sec 7 makes it unlawful to bring slaves into Mississippi Territory from any place without the United States, imposes a penalty of $300 for every slave thus brought into the Territory in violation of the provisions of this act, and gives every slave thus brought in his or her freedom.

"Approved, April 7, 1798"

Look at the provisions of that act. Slaves might legally be imported into the United States for ten years after that act was passed; they might be imported, and were as much and as legally a subject of property as anything else, but Congress took occasion to regulate that species of property ten years before the prohibition to the importation of slaves was to take effect, and declared that slaves should not be carried into the Mississippi Territory from any place without the United States, and that any slave carried there became free, and a penalty was imposed on those that took them there.

Slaves were at that time—1798—legal articles of commerce. Congress had no power under the Constitution to prohibit vessels from going to foreign countries, and taking cargoes of slaves, and bringing them here. They were, under the Constitution, as legitimately articles of commerce as sugar or molasses. Well, Congress did undertake, that early in 1798, to say that slaves, which were recognized as articles of commerce in the States, should not be carried into the Territories. That fact establishes two points. It shows that Congress legislated for the Territories, and it shows that they legislated upon the particular subject within the Territories.

Well, sir, there are other acts of a similar character. In an act erecting Louisiana into two Territories, and providing for the temporary government thereof, approved the 21st March, 1804, section 10 prohibits the bringing into said Territory, from any place without the United States, any slave or slaves, and imposed a fine of three hundred dollars for any slave so imported; and, further, the act prohibited the bringing into the Territory any slave or slaves which shall have been imported into the United States since the 1st day of May, 1798, or which shall hereafter be imported. Under the provisions of this act, passed in 1804, Congress undertook to say that slaves which had been imported into one of the slave States between 1798 and 1804, fair matters of commerce under the Constitution, should not be carried into the Territory, and imposed a penalty on any one so carrying them. Here, then, is an express and explicit recognition, on the part of Congress, of the right and authority of Congress thus to legislate upon this subject.

Under the provisions of this law, no one could move from a slave State into the Louisiana Territory in 1801, '2, and '3, and carry with him slaves imported from Africa into any State subsequently to 1798. Or if they did they did it in violation of this law, which prohibited it.

I will not weary the Senate by going over the history of these several acts. They will, very many of them, be found in a speech delivered in this body on the 20th June, 1848, by Mr. Dix, then a member from the State of New York, and they come down to the very last Congress—because the last Congress, adhering to the legislation heretofore practiced, passed the Oregon Bill, containing this very same prohibition, and it was signed by Mr. James K. Polk. He certainly must have understood it to be a constitutional prohibition, the constitutional exercise of a right vested in Congress, or he never would have signed it.

The proposition was made in both Houses to put the enactment of that clause in the Oregon bill on the ground that it was north of thirty-six degrees thirty minutes. Both Houses refused to do it. It went to Mr. Polk, and he signed it, and sent it back with a paper, the substance of which, as I read it, was, that it was constitutional then, but never would be again. That, sir, has been the legislation of Congress, older than the Constitution, coming down through successive Presidents—Washington, Adams, Jackson, Van Buren, and so on; and, in the organization of Territorial Governments in Mississippi, Louisiana, Florida, and Michigan, all in express terms recognizing this right; sometimes limiting Slavery to a certain class of slaves, in other instances excluding it altogether.

And now we are told that if we adhered to this long-established, well-considered construction of the Constitution; if we continue to tread in the old path which our fathers marked out for us, that the sensibility, the sensitiveness of the South, which has been sleeping for more than fifty years will be galvanized into such activity, as to endanger the Union itself.

Well, sir, these arguments may be all potent, but I want to put history right. We are told that this agitation of the subject of Slavery here is something new, and the Senator from South Carolina gave it a date of fifteen years. He said that it had commenced in 1835, and that as soon as it was introduced, he saw the mischief that was to ensue from it. The honorable Senator from South Carolina did not go back far enough: agitating papers of the sort complained of came here longer ago than that. He ought to have gone back to 1776, and he would have found one of the most "agitating" and "fanatical" papers that he could well find, beginning with the declaration that all men are created equal. The agitation of this question of Slavery goes back as far as that, and it shows what was the action and understanding of the men of that day. I wish to read, sir, a petition presented to the first Congress that ever assembled under the Federal Constitution, and signed by one of the great minds that framed it. I allude, sir, to Dr. FRANKLIN; not one of these modern "agitators," not one of those amphibious animals, that have been described as flying about in twilight, between light and darkness.

On the 12th February, 1776, Benjamin Franklin, as President of the Pennsylvania Society for promoting the abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, presented a petition, which I send to the Clerk's table to read:

FEBRUARY 12, 1790.

"A memorial of the Pennsylvania Society for promoting the abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the African race, was presented and read.

"The memorial respectfully showeth:

"That, from a regard for the happiness of mankind, an association was formed, several years since, in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of Slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow-creatures, of the African race. They have also the satisfaction to observe, that, in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad.

"That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of America fully coincides with the position.

"Your memorialists, particularly engaged in attending to the distresses arising from Slavery, believe it to be their indispensable duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you, for 'promoting the welfare and securing the blessings of liberty to the people of the United States;' and, as they conceive that these blessings ought rightfully to be administered without distinction of color to all descriptions of people, so they indulge themselves in the pleasing expectation that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institutions, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bonds of Slavery, and promote a general enjoyment of the blessings of freedom.

"Under these impressions, they earnestly entreat your serious attention to the subject of Slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone in this land of freedom are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race; and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow-men.

"BENJ. FRANKLIN, *President.*

"PHILADELPHIA, *February* 3, 1790,"

Objection was made to the reception of the petition, and a debate ensued, when a motion to refer it to a committee prevailed, by a vote of 43 ayes to 11 noes. It was considered in committee, reported on, and the whole subject was under debate on the 5th, 8th, and 9th of March, 1790—the proceedings of which action in Congress may be found in the Journals, page 180. I only refer to this history to show that there were "fanatics" and "agitators" in earlier times than the year 1835; that there were men who were affected with this "mania" long ago; and that amongst those upon whose grave must fall the denunciations that are so freely and frequently heard here, is the man who alone of mortal man had vision enough to answer the question proposed by the Almighty to his servant long ago, when he asked him if he "can discover the way of the lightning of thunder?"

Well, sir, I have another document, and a very curious one it is, too, referring to the action on this subject later in the history of Congress. It is to be found in the fourth volume of the House Journals, page 381, second session of seventh Congress, under date of March 2, 1803; and it is, sir, a case in point. The Territory of Indiana then being under the provisions of the Ordinance of Freedom of 1787, the people of Indiana, through a public meeting, of which William Henry Harrison was President, petitioned that this article of the Ordinance of '87, prohibiting Slavery in the Territory, might be suspended for a given number of years—about ten, I believe it was. The petition was referred to a committee, of which the celebrated John Randolph, of Virginia, was chairman. I desire to read an extract from his report, because it shows what sentiments obtained in Virginia on this subject, in 1803:

House Journal, Vol. 4, Page 381—2d Session 7th Congress—March 2, 1803.

"Mr. Randolph from the committee to which were referred a letter from William Henry Harrison, President of the Convention held at Vincennes, declaring the consent of the people of Indiana to the suspension of the sixth article of compact between the United States and the people of that Territory, also a memorial and petition of the inhabitants of the said Territory, made the following report:

"That the rapid population of the State of Ohio sufficiently evinces, in the opinion of your committee, that the labor of slaves is not necessary to promote the growth and settlement of colonies in that region; that this labor, demonstrably the dearest of any, can only be employed to advantage in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier. In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration. * * * *

"From such a consideration as they have been enabled to bestow on the subject at this late period of the session, and under the pressure of accumulating business, they recommend the following resolutions, which are respectfully submitted to the judgment of the House:

"1. *Resolved*, That it is inexpedient to suspend, for a limited time, the operation of the sixth article of compact between the original States and the people and States west of the Ohio.

"2. &c., &c."

And, sir, is there a citizen of Indiana to-day, who will not rise up and do credit to the sagacity and philanthropy of John Randolph, when he told them that, in the wisdom and sagacity of that exercise of power, they would find ample remuneration for any temporary grievance they might be suffering under, by the present application? And, sir, here was a case stronger than any which has been or can be presented here—a case of a Territory of the United States, settled by freemen, with Slavery interdicted, who come forward and ask Congress to relieve them from that interdiction—to relieve them from that prohibition—and Congress refused to do it. And they refused to do it upon the report from which I have just read—that made by Mr. John Randolph, of Virginia. Now, sir, I think I may safely leave that part of the subject, the Ordinance of 1787, having shown that it was not imposed by a part, but that it was the act of the whole country. It was impressed upon the legislation of the country at its earliest period; it has continued there ever since, and it remains there now. What do gentlemen want? On the principle that they contend for, that it is an insult, do they want to repeal the bill establishing the Oregon Territory? Do they want it obliterated from the history of our legislation?—They can speak for themselves, sir, on that point.

The second matter which has disturbed the equilibrium, according to the arguments of the Senator, is the Missouri Compromise. Sir, the Missouri Compromise disturbed the equilibrium of those Northern Representatives that voted for it, more than anything else that ever happened; and that is the only equilibrium I ever heard of as being disturbed by that Compromise. Not only did it disturb their equilibrium, but it threw them entirely off it, and, with but very rare exceptions, these politicians have not yet recovered their equilibrium, and, what is more, they never will. Well, sir, if, according to the argument of the Senator from South Carolina, the Missouri Compromise was such an odious measure, and has had such an injurious effect upon the South, is it not singular that we find nearly every Southern man voting for it, and every Northern man voting against it, whenever it is offered? At the last session, when a motion was made to insert the Missouri Compromise in a Territorial bill, nearly every gentleman representing a Southern State on this floor voted for it, and the Northern men, as a body, were against it. Then, sir, it is the South who were aggressive, and who were destroying the equilibrium; and it is the North who have resisted it. And further, has not every other Southern gentleman who has spoken here of that Compromise characterized it as a great healing measure, and as one that gave quiet, peace, and security to the country, and will do it again, if adopted? And is it not a curious spectacle that they should thus ask us to return and settle down on one of the very measures that, in the opinion of the Senator from South Carolina, has been so potent and effectual in destroying the equilibrium?

Yes, sir, the Missouri Compromise, which is designated by the Senator from South Carolina as the great equilibrium-destroyer, has been lauded in our presence as a measure of peace and concord, and as one that the South is willing to take and abide by now. Yes, sir, this measure, which Southern gentlemen now express their readiness to receive and abide by, the Senator from South Carolina puts second in his list of the measures which have destroyed the equilibrium and produced discontent in the South!

Well, sir, the third measure of which the Senator speaks as destroying the equilibrium between the sections, and producing this great discontent in the South, is the Oregon bill! If this be so, it must, indeed, have had a wonderful rapid influence, for it was only passed in August, 1848, has been but about a year and a half in operation, and, indeed, I do not know whether any despatches have been received by this Government, informing us of the organization of the Government instituted at that time; if there have been, they have not been laid before Congress. Is it possible, then—can the Senator from South Carolina be serious, when he mentions the Oregon bill as one of the three measures of the Government which have produced such universal discontent at the South that they can no longer remain in the Union? What possible influence can the Oregon bill have had on the South within the brief time that has transpired since its passage? I will not spend more time on this subject. The charge is preposterous.

I have another document to which I will here refer, as it shows that there was discontent and talk of disunion in the South long before this Oregon bill was thought of. The Senator from South Carolina speaks of the abolition of fanatics in 1835. (which is the time, as he says, they commenced their operations,) as being small and contemptible, and as having no sort of influence and consideration. Now, what was the declaration of the Senator in 1835, the very time when he states this faction was so small and contemptible? In *Nile's Register* of 1835, 49th page, is an extract of a letter from John C. Calhoun to the editor of the Washington *Telegraph*. He says:

"Since you passed through the South, the excitement in relation to the Northern fanatics has very greatly increased. The indications are, that the South will be unanimous in their resistance, and that their resistance will be of the most determined character, even to the extent of *disunion*, if that should be necessary to arrest the evil. I trust, however, it may be arrested far short of such extremity."

From this it appears that as long ago as 1835, the South—all the South he speaks for—had come to such a unanimous determination to resist the Northern fanatics, that, if they could not put them down in any other way, they were ready to dissolve the Union. "Small and contemptible as this faction then was," to use the language of the Senator from South Carolina, it was potent enough, it seems, to work up the whole South to a determination to dissolve the Union if they were not yet put down.

I wish to call the attention of the Senate to another view of this question of the equilibrium. The Senator from Georgia, [Mr. Berrien,] in his speech the other day, puts this significant questions to Senators from the Northern States. He says:

"Now, sir, revert to the period when this Constitution was entered into—when thirteen Confederated States, loosely connected together, mutually grasping hands, drew more closely the bond of union; and now tell me, do you believe, does any man believe, that it consists with the spirit and intention of the framers of that instrument with the feelings of that moment, that you should circumscribe Slavery within limits within which, in process of time, it could no longer exist? That were to deny us the privilege of exercising the rights with which we came into the Constitution, in the manner in which we had exercised and were exercising them when the Constitution was formed. It would be in effect to say to us, we will allow you to hold slaves, if you will keep them within your present limits; but in the future acquisition which we make of territories, by our joint and equal efforts, even of such as are fitted to your own peculiar kinds of labor, *hands off*—Slavery shall never be extended with our consent; the banner of this free Republic shall never wave over another slave State, whether it were originally free or slave. If this proposition had been made to our fathers in that Convention, what think you would have been their answer? I will not trust myself to express it. Do you believe that this Constitutution would have been formed under such circumstances?"

Now, sir, it seems to me that an all sufficient answer to this question is to be found in the fact that the Constitution was formed under precisely the circumstances on which he speculates. Under what circumstances was the Constitution formed, sir?—Why, every inch of territory which the States then owned was subject to this very prohibition! Every inch of territory by that provision of the Continental Congress, ratified by the first Congress under the Federal Constitution, was subjected to the inhibition of Slavery, and was carved out to be admitted into the Union as five free States. The Senator's question, therefore, has an historical answer. They not only would have entered the Confederation with such a prohibition, but they actually did enter it under such a state of facts as the question presupposes. So much for the "equilibrium" in this point of view.

In another part of his speech the Senator from South Carolina says, that, next after the Ordinance of 1787, the Missouri Compromise, and the Oregon bill, among the causes which have produced discontent at the South is the system of revenue and disbursements adopted by the Government. He says:

"The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue; because I deem it unnecessary, as the subject has on so many occasions been fully discussed. Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North than its due share; and that the joint effect of these causes has been to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection—that is, intended to put money, not in the treasury, but directly into the pocket of the manufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty; but it is safe to say that it amounts to hundreds of millions of dollars.—Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population, by attracting emigration from all quarters to that section.

"This, combined with the great and primary cause, amply explains why the North has acquired a preponderance of every department of the Government, by the disproportionate increase of population and States."

I think it well for the Senator that he did not undertake to show that, for he knows that the duties fall upon and are paid by the consumers, be they where they may. A State, therefore, which has a population ten times greater than that of another State, and consumes imports in that proportion, pays ten times more revenue. No matter where the imports go, those who consume them pay the duties upon them. Go into the manufacturing towns and villages, where they consume a large amount of sugar and other dutible articles, do they not pay the duty on their importation? And is not the fact true always, that it is the consumer, whoever he may be, who pays the duty? Sir, the fact is undeniable.

The Senator undertakes to show that by far the greater portion of our revenue has been disbursed at the North, or more than its due share. Now, sir, that struck me as the most bold assertion in the whole speech. Is all history, sir, to be set at naught in this matter? The disbursements greater at the North than in the South! Why, sir, in the State in which I live, aside from the expenses of collecting the revenue, not $50,000 of the public monoy has been spent in fifty years. No, sir, the expenditures of the Government are not made there; the officers of the Government do not come from the North, nor are the great contracts made there. What is it that consumes one-half, aye, three-fourths, of your revenue, but the army and the navy, and where is it expended? Why, where your Indian wars occur, your Seminole and Creek wars—in the Southern, and not in the Northern portion of these States. Why, sir, the idea that an undue proportion of the money collected by the General Government has been disbursed in the Northern States, is to say the least, one in as direct opposition to the truth of history as any statement which could possibly be made. A friend has collected for me some statistics showing the expenditures of the Government, one item of which I will refer to, which is well calculated to show the proportion between the free and the slave States.—By the returns from the Post Office Department for the year 1847, it appears that there was collected in the fifteen free States, by way of postage, a sum exceeding the expenses of the Department in these States for that year by $576,000, while there was a deficiency to the same amount in the slave States.—Thus there was a direct tax collected in small sums from the North, to the amount of over $500,000 in one year, for that single Department of Government; and I apprehend that if the other Departments were examined, it would be found that the Post Office was in fact the one under which the North suffered least. Why, in our little State of New Hampshire, there is a direct tax for postage to the amount of over $15.-000. The revenue collected there for postage in that year was $40,680, and the expenditures $25,500, leaving us with a direct tax of $15,180 for that year! And, sir, it cannot be said that these letters were received from commercial correspondents, because we have no great commercial emporium in the State.—No, sir, this tax is collected from those manufacturing operatives of whom mention is sometimes made here. It is a tax on the affections of the human heart, on filial love and reverence, on correspondence with parents, children, and friends, and is collected from the hard-working men and women of the North, for the support of this Government. Yet we do not complain of it; but in the face of all this it is rather hard to be told that our prosperity is all owing to the undue amount of Government expenditures made in the Northern States. Why, sir, it would be a curiosity in the part of the country in which I live to hear of the expenditure among them of a dollar of the money of the General Government, over and above just what is necessary to collect the revenue to be spent elsewhere. So much for this subject.

Again, says the Senator from South Carolina:

"If to this be added, that many of the duties were imposed, not for revenue, but for a protection—that is, intended to put money, not in the treasury, but directly into the pocket of the manufacturers—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. There are no data by which it can be estimated with any certainty, but it is safe to say that it amounts to hundreds of millions of dollars. Under the most moderate estimate, it would be sufficient to add greatly to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section."

Now, sir, let us examine this point. It is the tariff, then, that has done injury to the South, and produced discontent there. Now, I have been at some little pains to examine the history of the various tariffs, and our revenue policy, and I find that the first tariff act was passed on the 4th of July, 1789, and the preamble to it is in the following words:

"Whereas it is necessary, for the support of Government, for the discharge of the debts of the United States, *and for the encouragement and protection of manufactures*, that duties be laid on goods, wares, and merchandize, imported."

The yeas and nays were not taken on the bill in either House. The next year the duties were largely increased, and I think in some instances that they were doubled, and the bill for that purpose passed the House of Representatives, yeas 40, nays 15; and as a curiosity I will read the votes of the States on that measure:

	Yeas.	Nays.		Yeas.	Nays.
New Hampshire	2	1	Delaware	1	0
Massachusetts	0	8	Maryland	3	2
Connecticut	3	2	Virginia	7	0
New York	4	1	N. Carolina	5	0
New Jersey	2	0	S. Carolina	3	1
Pennsylvania	7	0	Georgia	3	0
				40	15

The tariff remained substantially as it was established by the act of 1790—with the exception of the acts passed during the war, which were considered as war measures—until 1816. I have not got the precise date when that act was approved, but I think it was in April, 1816. Then the war was over, and it became necessary to abandon the war acts passed during its prosecution, and to settle down on something like a permanent policy, and a tariff act was passed. It passed the House of Representatives, yeas 88, nays 54; and as the yeas and nays upon it are somewhat interesting, I will read them by States

	Yeas.	Nays.		Yeas.	Nays
Hew Hampshire	1	3	Maryland	2	5
Massachusetts	7	4	Virginia	7	13
Rhode Island	2	0	N. Carolina	0	11
Connecticut	2	2	S. Carolina	4	3
Vermont	5	1	Georgia	3	3
New York	20	2	Kentucky	6	1
New Jersey	5	0	Tennessee	3	2
Pennsylvania	17	3	Ohio	4	0
Delaware did not vote			Louisiana	0	1
				88	54

And among the yeas on the passage of that bill stands recorded the name of John C. Calhoun, one of the Representatives from South Carolina. That was in 1816. The tariff policy of the country continued without material alteration until 1824, when another bill on the subject passed the House, yeas 107, nays 102. South Carolina then changed front on the question. But I wish to call the attention of the Senate to the vote of New England on the subject, because she has been considered the greatest sinner in regard to it. Her vote on the tariff was yeas 15, nays 23, as follows:

	Yeas.	Nays.		Yeas.	Nays.
Maine	1	6	Connecticut	5	1
New Hampshire	1	5	Rhode Island	2	0
Massachusetts	1	11	Vermont	5	0
				15	23

And such had been the uniform policy of that portion of the country. But the history of the tariff acts that have been passed show that the Northern States have generally objected to them, and that too against the power and the eloquence of the Senator from South Carolina, in 1816, in the House. And when this policy was forced on New England, and forced on her too by Southern votes, against her own, wishes, then, sir, the genius, the enterprise, and the industry of her people began to accommodate themselves to that state of things, and because she flourished under it, it is made a charge against her, and forms the next point in the indictment against the North for disturbing the equilibrium between the sections.

Another evil of which the Senator from South Carolina complains, is as follows, to use his own language:

"But while these measures were destroying the equilibrium between the two sections, the action of the Government was leading to a radical change in its character, by concentrating all the power of the system in itself. The occasion will not permit me to trace the measures by which this great change has been cousummated. If it did, it would not be difficult to show that the process commenced at an early period of the Government; that it proceeded, almost without interruption, step by step, until it absorbed virtually its entire powers; but without going through the whole process to establish the fact, it may be done satisfactorily by a very short statement.

"That the Government claims, and practically maintains the right to decide in the last resort, as to the extent of its powers, will scarcely be denied by any one conversant with the political history of the country. That it also claims the right to resort to force to maintain whatever power she claims against all opposition, is equally certain."

His charge is, that this Government has changed gradually from a federal republic to a consolidated democracy. Who has done it? From the very adoption of the Constitution down to the present time, what counsels have prevailed? Northern or Southern? Who have been the Presidents of the United States? Northern men or Southern men? Again, with reference to the action of the Supreme Court, who have been in the bench of that court?—History will show that there has been no time when you would trust Northern men there, so as to constitute a majority. Though a man may have crept to the foot of power in the most abject manner, the North could never be trusted so far as to have her citizens constitute a majority on the bench of that court. There has always been a majority of Southern men on that bench; and I say, sir, that the South has always controlled the policy of this Government. I think the honorable Senator from Kentucky was magnanimous enough the other day, in his speech, to acknowledge this. Not only the legislative but the judicial power has always been in the hands of the South. If the question was asked to-day, of the most ordinary or the most astute observer of passing events, who is it of all men that has had the most to do to control and shape the policy of this Government, and make it what it is, the answer would be that it is the honorable Senator from South Carolina, (Mr. Calhoun,) who makes this charge. Did he not tell us, with the modesty which always belongs to him, and with the honesty and truth which characterize him, that he more than any other man effected the acquisition of Texas to this country? He was then a private citizen. If he could, in perfect consistency with historical truth, say that he more than any one else effected that great act, by which that country was annexed and made a part and parcel of our own, what must have been his influence while he occupied a seat in the other House in the pride of his power, or when for eight years he was at the head of the Department of War, and for six years filled the chair which you now occupy, if he could thus control public policy in his retirement? No, sir, great and commanding as has been the influence of other gentlemen in the councils of this nation, if there be any one man who has stamped upon its character and features the impress of his thoughts and purposes, that man is the honorable Senator from South Carolina, who addressed the Senate the other day on this subject. But now he comes in and files a bill of indictment against the North for doing that which all along they have resisted and remonstrated against.

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*On the second page of the speech of Mr. Calhoun is the following sentence: "One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many *aggressions* which they have made on the rights of the South during the time."

At another place, on the same page, he says: "At that time there was a perfect equilibrium between the two, which afforded ample means to each to protect itself against the *aggression* of the other."

The next part of the speech to which I wish to direct attention is the assertion that—

"Nevertheless, as small and contemptible as the party then was, both of the great parties of the North dreaded them. They felt that, though small, they were organized in reference to a subject which had a great and commanding influence over the Northern mind. Each party, on that account, feared to oppose their petitions, lest the opposite party should take advantage of the one who might do so, by favoring their petitions. The effect was that both united in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed."

And speaking on the subject in another part of the speech, on the 8th page, he says:

"And Congress is invoked to do all this expressly with the view to the final abolition of Slavery in the States. That has been avowed to be the ultimate object from the beginning of the agitation until the present time; and yet the great body of both parties of the North, with the full knowledge of the fact, although disavowing the Abolitionists, have co-operated with them in almost all their measures."

If I understand this, sir, it is a distinct avowal that the abolition movement has been received with public favor from the commencement, by both parties in both houses of Congress, from the North, and at home. I undertake to say that a declaration more at war with the truth of history could not possibly be affirmed in language. The Abolitionists, instead of being received with public favor at the North, by either party, have been denounced in every possible form in which language could denounce them. The meetings which they have holden in public places have been broken in upon by lawless mobs. They have been driven from the places where they had assembled for the exercise of a constitutional right, and to such an extent had this spirit progressed, that the buildings in which they had assembled, and had been peaceably exercising the rights of citizens, under the Constitution, have been, in at least one instance, burnt to the ground by a mob. I don't refer to these matters for the purpose of re-opening any wounds that may have been healed up by the soothing influence of time, but I do contend that, if the Senate means to do justice, and the country means to do justice, it is necessary and right that the truth upon this subject should be made known.

Sir, there never has been a sect that has arisen since the Christian era, that has been met at every turn, on every hand, on every side, and by all parties, with more bitter, violent, unrelenting persecution than these same Abolitionists have been. Instead of growing up by the public favor of the North, they have grown up in spite of the most determined opposition. They have lived upon persecution; persecution and denunciation have been everything which they have had. And, sir, to show that upon this matter I do not speak without book. I will refer in the first place, to the proceedings of Congress on this subject. I will show how far it is true, in reference to the House of Representatives, that both parties from the North have united in receiving their petitions and taking jurisdiction of the subject. The year 1835 is the time which is assigned as the commencement of this agitation; the time at which both parties at the North united in giving them public favor; the time at which both parties in Congress united in insisting that Congress should take jurisdiction of the subject, and that the petitions of the Abolitionists should be received. It will be found, sir, that in the House of Representatives, on the 8th day of February, 1836, Mr. Pinckney introduced the following resolutions:

"*Resolved*, That all the memorials which have been offered, or may hereafter be presented to this House, praying for the abolition of Slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, (Mr. Jarvis,) with the amendment thereto proposed by an honorable member from Virginia, (Mr. Wise) together with every other paper or proposition that may be submitted in relation to the subject, be referred to a select committee, with instructions to report:

"That Congress possesses no constitutional authority to interfere in any way with the institution of Slavery in any of the States of this Confederacy; and

"That, in the opinion of this House, Congress ought not to interfere in any way with Slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union—assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to allay excitement, to repress agitation, to secure and maintain the just rights of the slaveholding States and of the people of this District, and to restore harmony and tranquilty amongst the various sections of this Union."

That resolution passed the House by a vote of yeas 167, nays only 6. That committee reported, and they reported three resolutions:

1. "*Resolved*, That Congress possesses no constitutional authority to interfere, in any way, with the institution of Slavery in any of the States of this Confederacy.

2. "*Resolved*, That Congress ought not to interfere, in any way, with Slavery in the District of Columbia.

"And whereas it is extremely important and desirable that the agitation of this subject should be finally arrested, for the purpose of restoring tranquility to the public mind, your committee respectfully recommend the adoption of the following resolution, viz:

3. "*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever to the subject of Slavery, or the abolition of Slavery, shall, without being either printed or referred, be laid upon the table, and that no further action whatever shall be had thereon."

1. Passed: Yeas 182, nays 9.
2. Passed: Yeas 132, nays 45.
3. Passed: Yeas 117, nays 68.

2d session, 24th Congress, page 237.

January 18, 1837.

"*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of Slavery, or to the abolition of Slavery, shall, without being printed or referred, be laid upon the table, and that no further action shall be had thereon."

Passed: Yeas 129, Nays 69.

Mr. Patton's Journal H. R., 2d session, 25th Cong. page 127.

December 21, 1837.

"*Resolved*, That all petitions, memorials and papers, touching the abolition of Slavery, or the buying selling, or transferring of slaves, in any State, District, or Territory of the United States, be laid upon the table, without being debated, printed, read, or referred, and that no further action shall be had thereon."

Passed: Yeas 122, nays 74.

3d session, 25th *Congress, page* 51.

December, 11, 1838.

1. "*Resolved*, That this Government is a Government of limited powers; and that, by the Constitution of the United States, Congress has no jurisdiction whatever over the institution of Slavery in the several States of the Confederacy.

2 "*Resolved*, That petitions for the abolition of Slavery in the District of Columbia and the Territories of the United States, and against the removal of slaves from one State to another, are a part of the plan of operations set on foot to affect the institution of Slavery in the several States, and thus in directly to destroy that institution within their limits.

3. "*Resolved*, That Congress has no right to do that indirectly which it cannot do directly; and that the agitation of the subject of Slavery in the District of Columbia or the Territories, as a means and with a view of disturbing or overthrowing that institution in the several States, is against the true spirit and meaning of the Constitution, an infringement of the right of the States affected, and a breach of the public faith on which they entered into this Confederacy.

4. "*Resolved*, That the Constitution rests upon the broad principle of equality among the members of this Confederacy; and that Congress, in the exercise of its acknowledged powers, has no right to discriminate between the institutions of one portion of the States and another, with a view of abolishing the one and promoting the other.

5. "*Resolved, therefore*, That all attempts, on the part of Congress to abolish Slavery in the District of Columbia or the Territories, or to prohibit the removal of slaves from State to State, or to discriminate between the institutions of one portion of the country and another, with the views aforesaid, are in violation of the Constitution, destructive of the fundamental principles on which the Union of these States rests, and beyond the jurisdiction of Congress; and that every petition, memorial, resolution, proposition, or paper, touching or relating in any way or to any extent whatever to Slavery, as aforesaid, or the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table, without being debated, printed, or referred."

1. Passed: Yeas 198, nays 6.
2. Passed: Yeas 186, nays 65.

1st member of 3d resolution passed: Yeas 170, nays 30.
2d member of 3d resolution passed: Yeas 164, nays 39.
1st member of 4th resolution passed: Yeas 182, nays 26.
2d member of 4th resolution passed: Yeas 174, nays 26.
1st member of 5th resolution passed: Yeas 149, nays 52.
2d member of 5th resolution passed: Yeas 128, nays 78.

Journal H. R., 1st session, 26th Cong., page 224.

January 28, 1840.

"No petition, memorial, resolution, or other paper, praying the abolition of Slavery in the District of Columbia or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Rule adopted: Yeas 114 nays 108.

That is the action of the House; the action of the Senate has been, it possible, more decided, because they have uniformly refused to receive petitions addressed to them upon this subject to this day.

In January, 1838, the Senate, on motion of the Senater from South Carolina, [Mr. Calhoun,] passed several very stringent resolutions against the movements of the Abolitionists, one only of which I will read to the Senate as a fair specimen of the whole:

"*Resolved*, That this Government was instituted and adopted by the several States of this Union as a common agent in order to carry into effect the powers which they delegated by the Constitution for their mutual security and prosperity; and that, in fulfilment of this high and sacred trust, this Government is bound so to exercise its power as to give, as far as may be practicable, increased stability and security to the domestic institutions of the States that compose the Union, and that it is the solemn duty of the Government to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another, or to weaken or destroy such institutions."

Such, sir, was the manner in which both parties united, in the language of the Senator from South Carolina, "in insisting that the petitions should be received, and that Congress should take jurisdiction of the subject for which they prayed."

Now, sir, I want to call the attention of the Senate to the manner in which this movement was received by the people of the North. I have, at some trouble, looked up the necessary documents, to show how they were received by the people at large.

"Meetings of the people have been held in nearly all the chief cities and towns in the Northern States, at which the proceedings of the Abolitionists were rejected and disavowed with great unanimity and much zeal."—*Niles' Register, Octorber* 3, 1835.

These meetings, as will be seen by the papers of the day, were holden in New York, Boston, Albany, and the other principal places in the free States. Of the character of the resolutions passed at Albany, the *Richmond Enquirer* said:

"Amidst these proceedings we hail with delight the meeting and resolutions at Albany; they are up to the hub: they are in perfect unison with the rights and sentiments of the South; they are divested of all the metaphysics and abstractions of the resolutions of New York; they are free from all qualifications and equivocation; no idle denunciation of the evils of Slavery, no pompous assertions of the right of discussion; but they announce in the most unqualified terms that it is a Southern question, which belongs, under the Federal compact, exclusively to the South; they denounce all discussions upon it in the other States, which, from their very nature, are calculated to inflame the public mind, and put in jeopardy the lives and property of their fellow-citizens, as at war with every rule of moral duty and every suggestion of humanity; and they reprobate the incendiaries who will persist in carrying them on as disloyal to the Union."

I will not weary the Senate by reading reports of such meetings holden in the principal cities and towns of the North. The papers of that day contain abundant evidence to satisfy the most incredulous. But all this did not satisfy the South; they demanded that the Abolitionists should be put down by law in the free States. The (newspaper) *Southern Patriot* said:

"Let the declaration that discussions which from their nature tend to inflame the public mind and put in jeopardy the lives and property of our fellow-citizens, and are at war with every rule of moral duty and every suggestion of humanity, be only embodied in some legislative act, with appropriate penalties, and the South seeks no higher and better security."

A city meeting at New Haven, Connecticut, was held September 10, 1831, called by Dennis Kimberly, Mayor of New Haven, to consider a plan for the establishment in that city of a college for the education of colored youths; at which meeting it was—

"*Resolved by the Mayor, Alderman, Common Council and freemen of the city of New Haven, in city meeting assembled*, That we resist the establishment of the proposed college in this place by every lawful means."

"*March*, 1833.—Town meeting at Canterbury, Connecticut, in reference to Miss Crandall's school for females of color. Resolutions were passed, expressing the most decided determination that the school should not be established in that town.

"*May* 24, 1833.—Act passed by the Legislature of Connecticut prohibiting schools for colored persons from other States. (In 1835, a petition to the Legislature for the repeal of this act was rejected.)

"*June* 27, 1833.—Miss Crandall was imprisoned in Brooklyn, Connecticut, on the charge of having taught persons of color from out of the State.

"*September* 30, 1833.—An assault was made on Miss Crandall's house, while a clergyman was holding a religious meeting there. Rotten eggs and other missiles were thrown at the windows.

"The well of the house on another occasion was filled with offal, &c.

"A newspaper in Connecticut says: 'The committee of the First Ecclesiastical Society in Canterbury have seen proper to prohibit the scholars of Miss Crandall's school from attending Divine worship in the meeting-house on Canterbury green.'"

There was no other meeting-house within three miles.

"*May* 27.—The Mayor and Alderman of Boston rejected an application of 125 citizens for the use of Faneuil Hall, for the purpose of holding a meeting in which to plead the cause of the slaves.

August 10, 1835.—Canaan Academy, New Hampshire, was drawn off by a mob, for the crime of admitting colored youths.

"*August* 10, 1835.—Disturbances at Worcester, Massachusetts. While the Rev. Orange Scott was lecturing on Slavery, some individuals tore up the lecturers notes, and offered violence to his person.

"*September* 17, 1835.—A gallows was erected in front of Mr. Garrison's, in Brighton street, Boston, with this inscription: 'By order of Judge Lynch.'

"*July* 4, 9, 10 and 11, 1835, the Abolitionists were mobbed in New York. Churches and stores broken into and injured, and the dwelling-houses of several Abolitionists were mobbed. The furniture of one was burnt in the street. The persons of Abolitionists were threatened. Both political parties joined in the outrage.

"These mobs were instigated by the press and pro-slavery public meetings. The clergy did not discountenance the proceedings that led to them. Chancellor Walworth (Dem.) and Chancellor Frelinghuysen (Whig) made speeches at a public meeting against the Abolitionists, and popular clergymen ridiculed the 'fanatics.'

"During the mobs, a whole division of troops was put under arms. The mob ruled the city for several days, and was finally dispersed by the authorities acting efficiently, when it was understood that, tired of mobbing Abolitionists, the mob was turning its attention to the banks in Wall street.

"An Anti-Slavery Convention, held at Utica, New York, October 21, 1835, in the Baptist meeting-house, was mobbed by the citizens of Utica, headed by a committee of twenty-five, composed of prominent members of both political parties appointed at a meeting held at the court-house.

"At a meeting in the court-house, a prominent individual justified in express words the gross violation of the law at Charleston, South Carolina. 'These occasions,' said he, 'will find a law for themselves. I go for revolution when it is necessary.'

"Adverting to the sending Abolition publications to the South, he remarked: 'If other means will not do, the mail should be blocked up on that subject.'

"At a public meeting of the citizens, a resolution was passed that the community *will not submit to the indignity of an Abolition assemblage being held in a public building in this city.*

"The mayor of the city, the first judge of the county, the county clerk, the postmaster, the district clerk, and other prominent citizens of both political parties, took part in the meeting, and most of them were of the committee of twenty-five, and the judge postmaster, &c., retained their offices. While the Convention was in session, the chairman of the committee of twenty-five, followed by a mob of five hundred, entered the meeting-house, interrupted the proceedings, demanded that it should break up and disperse, which was done.

"The Abolitionists went through the mud thirty miles to Peterborough, where they resumed business in the village church.

"*October* 21, 1835.—The very day of the mob at Utica, New York, a mob of five thousand 'gentlemen of property and standing' assembled in Washington street, Boston, in broad daylight, which succeeded in demolishing signs, books, doors, &c., dispersing a Female Anti-Slavery Society, and attacking the editor of *The Liberator*, Mr. Garrison."

The *Boston Atlas* thus describes this mob:

"He was found crouched under a pile of boards in a second story of a carpenter's shop, and here he surrendered at discretion. A rope was fastened under his arms and about his neck, and he was let down, by means of a ladder, to the ground; his countenance was pale and convulsed with terror, and he made no attempt to speak or to resist. There was a very general exclamation of 'don't hurt him,' and two individuals seizing him on each side by the collar, he was conducted through the lane into State street, and from thence hurried into the Mayor's office in the City Hall."

The *Boston Gazette* thus describes this mob:

"We never before saw so gentlemanly a *rabble*, if *rabble* it may be called, as that assembled yesterday; they opened to the right and left in the greatest possible order when a female attempted to pass in or out; not only so, but when a procession of ten or a dozen *black ladies* made known their wish to be admitted, the same was done for them, without the slightest token of disapprobation being manifested. It was, in fact, a meeting of gentlemen of property and standing from all parts of the city, who were disposed, and still are determined, at all hazards, and come what may, to preserve the peace of the city from all domestic incendiaries, as well as to protect the Union against foreign interference."

In 1836, Elijah P. Lovejoy removed the St. Louis Observer to Alton, Illinois. Mr. L. discussed the question of Slavery. Meetings were held, and resolutions were passed, calling upon him to desist; they forbade him to utter his sentiments on that subject in *any manner*. Mr. Lovejoy refusing to recognize the inquisitorial authority which his fellow-citizens had assumed, his press and type were destroyed by a lawless mob. Another press and type were procured, which, on the day of its arrival at Alton, was forcibly taken from the warehouse in which it was placed by the order of the Mayor, broken to pieces, and thrown into the Mississippi. The mayor arrived while the lawless work was going on, and ordered them to disperse; they replied that they would do as soon as they got through. A few days subsequent to this, Mr. Lovejoy was assailed by a mob, and rescued from their hands only by the heroic interference of his devoted wife. On every side, his ears were assailed by the most fiendish threats, and his steps were dogged by remorseless foes, who had bound themselves under curses to take his life. His family was threatened, his house frequently assailed, and night after night his wife driven from a sick bed into the garret, to save her life from the brickbats and from the violence of the mob. Three presses had been destroyed, and a fourth was procured, which, under the superintendence of the mayor, was stored away in a warehouse on the 7th of November, 1837. In the evening, the warehouse was stormed with stones, pistols, and muskets, windows were broken in, and the building was fired. Among those of the defenders who sallied forth to extinguish the flames was the lamented Lovejoy, who was shot at by one of the ruffians, and deliberately murdered. To escape the devouring flames, the rest of the defenders abandoned the building, and were fired upon as they fled. The press and type were thrown into the river.

In 1836, the press of the Philanthropist was established at Cincinnati, with a view to the promulgation of Anti-Slavery sentiments. In January, an immense meeting of citizens of all parties was held at the court-house, over which the mayor presided.—A committee was appointed of leading men of the city, to draught resolutions expressive of the sense of the meeting against the discussion of the Slavery question. The resolutions reported took the strongest ground against the agitation of the subject of Slavery in every form, denounced the Abolitionists, and called upon the citizens to exclude the Philanthropist, the Abolition organ, from their houses.—In July of the same year, a mob, headed by young men belonging to the wealthy families, at midnight broke into the printing office of the Philanthropist, and destroyed its press. A new one was forthwith set up. Another mob, a few weeks later, encouraged by the leading men of both parties, assembled at sundown, broke into the Anti-Slavery Depository, made a bonfire of its publications, broke into the printing office, pulled down the press, dragged it to the Ohio river, and threw it in; after which, it instituted a search for several prominent Abolitionists, for the purpose of tarring and feathering them. The press was reëstablished; but in 1840 another mob, which held possession of the city for three days, assailed the office, tore down two printing presses, dragged them in the face of the military through the main street to the river, in which they precipitated them. Against all this violence, and the hostile sentiment out of which it grew, the Anti-Slavery men contended, until the public opinion of the city was changed, and the liberty of speech and of the press completely established; and there is now no large city in the Union in which the Anti-Slavery sentiment is more decided and more controlling.

These are but a few specimens, out of hundreds with which the records of that day are filled, of the manner in which Abolitionism was received by the Northern people. Every principle of law, and every safeguard of property, and every propriety of civilized society, were violated by both parties at the North to put down this movement. And, sir, they vied with each other to see who might go the farthest; and the men that said the severest things, and who did the severest things against the Abolitionists, were those who supposed they were commending themselves most to public favor. And yet, sir, in the face of this undoubted history of the facts of the case, it is now asserted that they were received with favor by both parties at the North, and that both parties did their bidding. It has been charged against the Abolitionists, also, again and again, that throughout this movement they were sending emissaries to the South, preaching insurrection to the slaves. In 1835, when this movement first started, it is due in justice to the Abolitionists to say, that they disavowed it in the most solemn manner, and have continued to disavow it from that day to the present, although the assertion is repeated here almost every time that any gentlemen has occasion to speak upon this subject. The facts are, that from the time when this movement first had its origin at the North, down to the present time, these same Abolitionists have disavowed any such intention. I read, sir, an extract from the authorized exposition of the views of that society, made in 1835, and signed by all their officers.

"In behalf of the American Anti-Slavery Society, we solicit the candid attention of the public to the following declaration of our principles and objects:

"1. We hold that Congress has no more right to abolish Slavery in the Southern States than in the French West India Islands. Of course we desire no national legislation on the subject.

"2. We hold that Slavery can only be lawfully abolished by the Legislatures of the several States in which it prevails, and that the exercise of any other than moral influence to induce such abolition is unconstitutional.

"3. We believe that Congress has the same right to abolish Slavery in the District of Columbia that the State Governments have in their respective jurisdictions, and that it is their duty to efface so foul a blot from the national escutcheon.

"4. We believe that American citizens have the right to express and publish their opinions of the Constitution, laws, and institutions of any and every State and nation under heaven; and we mean never to surrender the liberty of speech, of the press, or of conscience—blessings which we have inherited from our fathers, and which we intend, as far as we are able, to transmit unimpaired to our children.

"5. We have uniformly deprecated all forcible attempts, on the part of the slaves, to recover their liberty; and were it in our power to address them, we would exhort them to observe a quiet and peaceful dmeanor, and would assure them that no insurrectionary movements on their part would receive from us the slightest aid or countenance.

"6. We would deplore any servile insurrection, both on account of the calamities which would attend it, and of the occasion it might furnish of increased severity and oppression.

"7. We are charged with sending incendiary publications to the South. If by the term incendiary is meant publications containing arguments and facts to prove Slavery to be a moral and political evil, and that duty and policy require its abolition, the charge is true. But if this charge is used to imply publications encouraging insurrection, and designed to excite the slaves to break their fetters, the charge is unequivocally false. We beg our fellow-citizens to notice that this charge is made without proof, and by many who confess that they have never read our publications; and that those who make it offer to the public no evidence from our writings in support of it.

"8. We are accused of sending our publications to the slaves; and it is asserted that their tendency is to excite insurrections. Both the charges are false.—These publications are not intended for the slaves; and were they able to read them, they would find in them no encouragement to insurrection.

"9. We are accused of employing agents in the slave States to distribute our publications. We have never had one such agent. We sent no packages of our papers to any person in those States for distribution, except to five respectable resident citizens at their own request. But we have sent by mail single papers, addressed to public officers, editors of newspapers, clergymen, and others. If, therefore, our object is to excite the slaves to insurrection, the masters are our agents."

That is the exposition which they put forth in 1835, when this excitement first began. These sentiments have been reiterated nearly every year from that time to this; and, as far as I know anything of the movements of this organized society, they have religiously and scrupulously lived up to them. I have yet to see the first resolution they have passed, the first line they have printed, in contradiction or contravention of this platform, thus laid down in 1835.

What was the state of feeling at the South at that time, when this body was so small and contemptible? I want to read a few resolutions passed in South Carolina in the year 1835, to show who was getting up excitement. At a meeting of St. James' and St. George's Parishes, South Carolina, they—

"*Resolved, (unanimously,)* That should the non-slaveholding States omit or refuse, at the ensuing meetings of their respective Legislatures, to put a final stop to the proceedings of their abolition societies against the domestic peace of the South, and effectually prevent any further interference by them with our slave population, *by efficient penal laws, it will then become the solemn duty of the whole South, in order to protect themselves and secure their rights and property against the unconstitutional combinations of the non-slaveholding States in the murderous designs of their Abolitionists, to withdraw from the Union.*"

There was the issue presented in 1835. If the non-slaveholding States did not pass penal laws to put down the Abolitionists in 1835, it was the solemn duty of the Southern States, according to these resolutions passed in South Carolina, to withdraw from the Union. Well, sir, I have in my hand another remarkable paper, taken from the Charleston *Mercury*, published about the same time, headed the "Crisis." This paper says:

"The proper time for a *convention of the slaveholding States* will be when the Legislatures of Pennsylvania, Massachusetts, and New York, shall have adjourned without passing laws for the suppression of the abolition societies. Should either of these States pass such laws, it would be well to wait till their *efficacy* should be tested. The adjournment of the Legislatures of Northern States without adopting any measures to put down Garrison, Tappan, and their associates, will present an *issue* which must be *met* by the South, or it will be in vain for us ever after to attempt anything further than for this State to provide for her own safety by defensive measures of her own. If the *issue* presented is to be *met*, it can only be done by a *convention of the aggrieved States*; the proceedings of which, to be of any value, must embody and make known the *sentiments* of the whole South, and contain the distinct annunciation of our fixed and unalterable determination to OBTAIN THE REDRESS OF OUR GRIEVANCES, be the consequences what they may.

"We must have it clearly understood that in framing a constitutional Union with our Northern brethren, the slaveholding *States* consider themselves no more liable to any *interference* with their domestic concerns than if they had remained entirely independent of the other States; and that, as such an interference would, among independent nations, be a just cause of war, so among members of such a Confederacy as ours, it must place the several States in the relation towards each other of *open enemies*. To sum up in a few words the whole argument on this subject, we would say that the *Abolitionists* can only be put down by legislation in the States in which they exist, and this can only be brought about by the *embodied opinion of the whole South*, acting upon public opinion at the *North*, which can only be effected through the instrumentality of a *convention of the slaveholding States*. For this we believe the public mind is not yet *prepared*, especially in our sister States."

That was to be the time for the Convention. If the Legislatures of Massachusetts, Pennsylvania, and New York, then in session, adjourned without passing laws to put down abolition societies, then the time for a Southern Convention had come. Mark the expression, "should either of these States pass such laws, it would be well to wait till their efficacy can be tested."

Now, sir, was the South arrayed against Tappan, Garrison, and the societies designated in the speech of the Senator from South Carolina as "small and contemptible?" If the Legislatures of Massachusetts, Pennsylvania, and New York, did not come to their rescue, it was time for a *convention of the slaveholding States*.

"For this we believe the public mind is not yet prepared especially in our sister States."

"Not yet prepared." There was something to be done to prepare the public mind for it. "We believe the public mind is not yet prepared in the sister States." It seems that the public mind was pretty well prepared in South Carolina, but something was to be done to prepare the sister States; and, in this connexion, it seems to me that the letter which I read yesterday has a most pregnant and significant meaning. Mr. Calhoun, writing to Duff Green, says:

"Since you passed through the South, the excitement in relation to the Northern fanatics has greatly increased." &c.

How far short of disunion was the remedy to be found? Why, if they could be so far prepared as to put a certain man at the head of the Union, would they stop thus far short of disunion? That was the meaning of it. But the thing was not then "prepared" in the sister States; though, I suppose, the gentlemen who thought the sister States not sufficiently prepared fifteen years ago, suppose they have got them pretty well prepared by this time.

The Senator from South Carolina, speaking of the Anti-Slavery agitation at the North, says, "which, as is now acknowledged, has endangered the Union." Now, sir, that is not the case. The Union was safe enough, the public mind was safe enough, fifteen years ago. I hold in my hand a newspaper called the *Union*, published in this city the 14th of February last; and this editor, who, I suppose, will be admitted to be good authority on the subject, says:

"The following fact stands out prominently in the history of parties in New Hampshire, viz: that before the annexation of Texas and the treason of John P. Hale to the Democratic party, (which act of treachery he sought to justify on the pretext of opposition to the admission of Texas,) that party was as free from all taint of abolition or free-soilism as the Democracy of Virginia. They opposed all agitation of the Slavery question, and they opposed the Abolitionists in every form."

Now, sir, you have this declaration coming from this source—one that will not be disputed—that up to the annexation of Texas in 1845 there was as little Abolitionism and Free Soilism in New Hampshire, as in Virginia herself. And if the same be true of New Hampshire, it is true of all the Northern States generally, so far as anything affecting the public councils are concerned. But at that time what did the North see? They saw then the proposition, clearly and unblushingly put forth, that the whole purposes and energies of the Government must be brought to bear for the purpose of strengthening and sustaining the institution of Slavery. The following is the announcement that was made by the Secretary of State:

"A movement of this sort [abolition of Slavery in Texas] cannot be contemplated by us in silence; such an attempt upon any neighboring country would necessarily be viewed by this Government with deep concern; but when it is made upon a nation whose territories join the slaveholding States of our Union, it awakens a still more solemn interest; it cannot be permitted to succeed without the most strenuous efforts on our part to arrest a calamity so serious to every part of our country. The establishment in the very midst of our slaveholding States of an independent Government, forbidding the existence of Slavery, and by a people born for the most part among us, reared up in our habits and speaking our language, could not fail to produce the most unhappy effects upon both parties."

This, sir, is the great secret of the opposition to the admission of California. It is because they are the people who accord with us in their hearts and speak our language, and have forbidden the existence of Slavery among them. After the announcement to which I have referred of the Secretary of State, Mr. Upshur, the Government went to work and negotiated a treaty of annexation. I think it is wrong, however, to say of annexation—that Texas was annexed to the United States. It is not so; the United States were annexed to Texas, as the matter was consummated. Texas applied to us for annexation. Messrs. Van Buren and Forsyth believed they had not the right to do it consistently with national faith, and they rejected it.

Then we applied to Texas, and she rejected us; and then a second time we asked Texas to take us, and she consented to do so; and I therefore protest in the name of justice against calling it annexation to the United States. Texas stood off, and we went to her a second time, and she took us, and the avowal we made to induce them to do it was, that we could not maintain and defend our institutions unless they came to our rescue. The communication of Mr. Calhoun to Mr. Green, the American charge to Mexico, communicating the annexation of April 19, 1844, says:

"And, in the next place, that the step was forced on the Government of the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of Slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish Slavery there. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States and the Union itself. Seeing this, the Government has been compelled, by the necessity of the case and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it."

That was the doctrine advanced by Mr. Calhoun in his letter to Mr. Green, and the same doctrine was insisted on in his letter to Mr. Pakenham, the British Minister, which I will not trouble the Senate with reading. The letter is dated the 18th of April, 1844, and declares, in effect, that measures must be taken to prevent abolition in Texas, to guard against the injurious effect on us. It was the avowal of these sentiments by the General Government, thus boldly and unblushingly made, and the declaration of Mr. Calhoun that unless those efforts should succeed it would involve the whole country, and not the slaveholding States alone, in great calamity, that awakened and aroused the public sentiment at the North. They saw then the revolution about to be effected in the Government, and that, instead of quietly employing ourselves at home, we were seeking to strengthen our hands by the incorporation of foreign nations in this Union to sustain the institution of Slavery.

Now, in connection with this subject of the annexation of Texas, I come to the recent speech of the Senator from Massachusetts, [Mr. Webster,] and I regret as much as any man being compelled to differ from the honorable Senator. But I have this consolation, that if I differ from the honorable Senator from Massachusetts in 1850, I agree with him in 1848. In a speech made by him in the Senate in 1848, the distinguished Senator from Massachusetts used this language:

"My opposition to the increase of Slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or points of the compass. *I shall oppose all such extension and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, against all compromises.*"—*Mr. Webster in the Senate, August* 10, 1848."

I agree with that sentiment of his, however I may differ from some later things which he has said. I want now to call the attention of the Senate to some other remarks of the Senator from Massachusetts, made upon this subject in the Senate of the United States:

"Mr. President, there is no citizen of this country who is more kindly disposed toward the people of Texas than myself, from the time they achieved, in so extraordinary a manner, their independence from the Mexican Government. I have shown, I hope, in another place, and shall show in all situations and under all circumstances, a just and proper regard for the people of that country; but with respect to its annexation to this Union, it is well known that from the first announcement of any such idea, I have felt it my duty steadily, uniformly, and zealously to oppose it. I have expressed opinions and urged arguments against it everywhere and on all occasions in which the subject came under consideration, and could not now, if I were to go over the whole topic again, adduce any new views or support old views, as far as I am aware, by any new arguments or illustrations. My efforts have been constant and unwavering, but, like those of others, they have failed of success. I will, therefore, in a very few words, acting under the unanimous resolution and instructions of both branches of the Legislature of Massachusetts, as well as in conformity to my own settled judgment and full conviction, recapitulate before the Senate and before the country the objections which have prevailed, and which always will prevail with me, against this measure of annexation. * * *

"In the third place, sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness as any citizen of this country, to all the original arrangements and compromises in which the Constitution under which we now live was adopted, I never could and never can persuade myself to be in favor of the admission of other States into the Union as slave States, with the inequalities which were allowed and accorded to the slaveholding States in existence by the Constitution. I do not think that the free States ever expected or could expect, that they would be called on to admit further slave States, having the advantages, the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution.

"Sir, I have never made an effort, and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort, to disturb the arrangements, as originally made, by which the various States came into the Union; but I cannot avoid considering it quite a different question when a preposition is made to admit new States, and that they be allowed to come in with the same advantages and inequalities which existed in regard to the old.

"Now, sir, as I have said, in all this I acted under resolutions of the State of Massachusetts—certainly concurring with my own judgment—so often repeated and re-affirmed by the unanimous consent of all men of all parties, that I could not well go through the series, affirming not only the impolicy, but the *unconstitutionality* of such annexation.

"Besides, experience shows us that things of this sort may be *sprung* upon Congress or the people. It was so in the case of Texas. It was so in the twenty-eight Congress. The members of that Congress were not chosen to decide the question of annexation or no annexation. They came in on other grounds, political and party, and were supported for reasons not connected with this question. What then? The Administration *sprung* upon them the question of annexation. It obtained a *snap* judgment upon it, and carried the measure of annexation. * * * * * I think I see a course adopted which is likely to turn the Constitution of the land into *a deformed monster*—into a curse, rather than a blessing; in fact, a frame of unequal Government; not founded on popular representation, not founded on equality, but on the grossest inequality; and I think it will go on, or that there is *danger* that it will go on, until this Union shall fall to pieces.

"I resist it—to-day and always! Whoever falters, or whoever flies, I continue the contest. I know, sir, that all the portents are discouraging. Would to God I could auspicate good influences. Would to God that those who think with me, and myself, could hope for stronger support. Would that we could stand where we desire to stand. I see the signs are sinister. But with few or alone my position is fixed. If there were time, I would gladly awaken the country. I believe the country might be awakened; but it may be too late. But, supported or unsupported, by the blessing of God I shall do my duty. I see well enough all the adverse indications. But I am sustained by a deep and conscientious sense of duty. And while supported by that feeling, and while such great interests are at stake, I defy auguries, and ask no omen but my country's cause."

There, sir, is where the Senator from Massachusetts placed himself in 1848; the measure is unconstitutional, and it is a snap judgment. Now, I ask, can any man be bound by a snap judgment unconstitutionally obtained? And yet, sir, in answer to the question I proposed to him a few days ago, if he thinks that this joint resolution adopted by a majority of the two Houses of Congress imposed a contract upon us which was binding, he said that he does, and that we are bound in good faith to carry it out, and to admit four new slave States out of that territory by the force of the obligation imposed on us by those who passed the resolutions. I have nothing to say as to how that question will be met when it comes, and it is not very probable that I shall be in any public position to meet it when it does come up; but I undertake to say, for the present and hereafter, these resolutions impose no obligations on me whatever. I trust I shall always be ready to do justice to Texas, but no consideration of justice or anything else is imposed upon me by any obligation growing out of those resolutions.

It is true that by the Constitution Congress has the right to admit a State, but because it can do that, it has no right to connect with that act a treaty with a foreign nation, out of which any obligation whatever can rest on this Government. It is claimed that Congress made a compact with Texas—it is put on that ground—and my answer to it is, that Texas and everybody else knew that Congress, when it undertook to make that compact, did what it had no power to do, and what it was expressly prohibited from doing. Did not the President and Secretary of State send the matter to the treaty making power; and when it failed, did not the President and those who had the matter at heart, set aside the tribunal to which in the first instance they resorted, and then appeal to the two Houses of Congress, as I conceive, in derogation of the rights of the Senate, and in violation of its constitutional privileges? There is no obligation binding on my conscience growing out of such an act. I trust I feel as strongly as any Senator here the weight of every obligation which is imposed on an honorable or an honest man, but I do not consider that this subject addresses itself to me in any such capacity.

Well, sir, there are some curious coincidences in relation to this Texas annexation. The Senator from Massachusetts, in that very patriotic speech for which he has been so much lauded that I cannot in anything in what I may say add to those laudations, and therefore will not attempt it—the Senator undertakes to charge on the Democracy of the North that they were governed by the purpose, in their support of the annexation of Texas, avowed by the Administration seeking it—and that was the desire to extend Slavery. But the Senator from Illinois [Mr. Douglas] says that it is not so, and he shows us the record as exhibiting the fact that every Northern man in Congress who spoke on the subject cast from him the proposition of the Administration, and took another broad, comprehensive, liberal, enlightened, patriotic, and Christian view of it, and supported it solely on these considerations. Well, sir, there have been some remarkable and most astonishing coincidences, and this surely is one of them. I remember reading in the Pickwick papers of another equally remarkable one. Young Weller was relating the circumstance of his father being once engaged to take some voters in his coach to an election poll. While thus engaged, the committee on the other side met him and suggested to him that there was a dangerous place on the road, where the coach must certainly upset, at the same time insinuating a £20 note in his hand. And, said the son, in telling of the circumstances one of the most extraordinary circumstances was that when father got to the place, the coach actually upset, and the voters were all thrown into the ditch, and did not get to the polls to vote. Well, sir, it seems that in this transaction in regard to Texas there is a coincidence equally astonishing. The moment the Senator from South Carolina perceived the necessity of the annexation of Texas for the purpose of sustaining, strengthening, perpetuating, and rendering eternal the institution of human Slavery, that moment the Northern Democracy, before opposed to it, opened their eyes, and saw it as a great and glorious national measure. Just at that moment did they see all this, and supported the measure, not for the reasons assigned by the Administration, but for other reasons of a very different character. This, in my judgment, is certainly one of the most remarkable and astonishing coincidences on record.

There is another equally astonishing, on this side of the chamber, exhibited in the course of the honorable Senator from Massachusetts, who filed a *caveat* against anybody taking a patent out for the use of his thunder, and who avowed his determination to defend it at all times and on all occasions. At the very time this thunder becomes a little annoying in some quarters, and threatens to embarrass the Administration, the Senator discovers all at once that the laws of God take care of the Proviso, and that it wants nothing at our hands. Where were these laws of God when the Oregon bill was under consideration? Were not those laws in as full operation in 1848 as they are in 1850? Does not the law of God take care of the Proviso up to 49 degress, as well as below 36 degrees 30 minutes? Or, sir, are the laws of God and the institutions of piety more potent under the present Administration than they were under the last? Then it was absolutely necessary to insert the Proviso into the Oregon bill; but now, that a new Administration has come in, and this thunder is very annoying and disturbing to them all at once it is discovered that there is no sort of necessity for having any thunder at all, and that the laws of God take care of the whole question. And the Senator says he would not re-enact the laws of God. What would he do, then? Would he enact laws in repudiation and condemnation of the laws of God? All the laws we pass must be either in accordance with or against the Divine will. Have they not laws in Massachusetts against murder, stealing and perjury? and, if so, what are they but the re-enactment of the laws of God? Yet the Senator declares he would not re-enact the laws of God. Well, sir, I would. And when he tells me that the law of God is against Slavery, it is a most potent argument to my mind why we should incorporate it with any Territorial bill, and against leaving it out.

Well, sir, I will draw these remarks which I am making to a close. I will pass to another subject, the bill for the surrender of fugitive slaves. That is a *sine qua non*. We must have a bill to carry out those provisions. Great fault has been found with the remark of the honorable Senator from New York, [Mr. Seward,] that the obligations which we owe to the Creator of all the earth are greater than those we owe to the Constitution. I do not stand up to take care of or defend the remarks of the Senator from New York, because he can do it better than I can do it.

But, however strong the Senator from New York may have made his position, however he may have said that the Constitution should be set aside when the laws of God contravene, he fell very far short of the position assumed by high authority laid down on this subject about the year 1835.

I will now read an extract from a letter written by Amos Kendall, then Postmaster General, to the Postmaster at Charleston, in reference to the opening of packages in the mail. He says:

"The Postmaster General has no legal authority to exclude newspapers from the mail, nor prohibit their carriage or delivery, but I am not prepared to direct you to foward or deliver the papers of which you speak. By no act or direction of mine, official or private, could I be induced to aid knowingly in giving circulation to papers of that description, directly or indirectly. We owe obligation to the laws, *but a higher one to the communities in which we live*; and if the former be perverted to destroy the latter, it is patriotism to disregard them."

Now, sir, where is the fanaticism of the Senator from New York? Why, it does not come up to the A B C of this fanaticism; and this was doctrine promulgated by the Administration, by its official organ in 1835—that we owed obedience to the laws under which we lived, but that we owed a higher obligation to any mob in the Union who chose to disregard them. Now, I do not stand here to defend or explain anything the Senator from New York may have said; but let it be as fanatical as it may be, it is milk and water in comparison with what was promulgated by the United States Postmaster General to his subordinates in 1835, that the obligations of the Constitution might be set at naught by an officer of the Government, when he supposed that the interests of the community in which he lived required it. What is the doctrine here maintained? I want to know. Is the Senate ready to answer that question which was propounded more than 1800 years ago by the Apostle, when he asked, "whether it be right in the sight of God, to hearken unto you more than unto God, judge ye." Has it been settled, then, that this doctrine implied by the interrogatory proposed by the Apostle, viz: the unqualified supremacy of God's law, is to be set at naught, to be derided, to be treated contemptuously, to be trodden under foot by every man? Is a sense of religious obligation to be scorned as unworthy of a place in this republican assembly? I do not know how far such doctrines may go, but I will say that while I am disposed to yield all obedience to the constitutional laws under which we live, I will stop a great deal short of the mark laid down by the honorable Senator from North Carolina yesterday. He says—"if judgment is obtained by fraud or violence, it is the duty of the citizen, not to arrest that judgment, but to see it carried out."

I have stated on another occasion what are my objections to the bill before the Senate. They are, that while it recognizes Slavery, it recognizes nothing else but Slavery. The bill is not framed with reference to negroes; it is framed with reference to anybody and everybody, and proceeds on the assumption that the man who is siezed in a free State is of course a slave. Now, the presumption of the law in the State where I live, where no slavery is recognized by law, is, that every man there is a freeman, both in the technical and political sense of the word. But this bill, with the amendment attached to it, with its affidavits taken a thousand miles, behind his back, supposes that the man seized is a slave; and it passes over and entirely forgets one provision of the Constitution, which is, that no person shall be seized without due process of law. But gentlemen argue as if the person seized must of necessity be a slave, and the bill supposes and recognizes him as a slave. Then we are told it will be impossible to carry out the provisions of the Constitution unless some bill of this sort is passed. Let us suppose an individual living in New Hampshire from his birth is seized as a slave: the thing has occurred of the seizure of an individual not many years ago, who drew every breath he ever drew in New Hampshire. It was a rare occurrence, and I remember it was so rare that, when the prosecuting authorities undertook to proceed against those who had seized this individual, no statute against kidnapping could be found, and they were indicted at common law; since that time, a statute has been enacted. Now, suppose an individual of that character is seized there—an individual who has been born, nurtured, and brought up there, owing allegiance and being entitled to protection there. You come upon him with an affidavit taken a thousand miles off, and you seize him. Where is that man's right? Where is the trial by jury? Where is the habeas corpus? Where is the protection which the Constitution guaranties to the meanest citizen living under the law? Why, sir, it is trampled in the dust by this bill; he is carried before a tribunal by one of the officers of the Government, without the right of a supervisory examination of a Judge of the United States Court within the district; without any of the privileges belonging to a freeman, he is seized and hurried off; and although it may appear upon the face of it a mere *prima facia* examination, it is to all intents and purposes a final and conclusive judgment, because the officer gives to the claimant a certificate, and he hurries him off; and when he gets to the great slave mart of Christendom, the city of Washington, he may sell him or send him wherever he pleases. Now, I am free to say, once for all, much as I love the Union, much as I reverence its institutions, fond as are my memories which cling around its early histories, I would sacrifice them all to-day before I would consent that the citizens of my native State should at one blow be stripped of every right that is dear to them, and for which their fathers bled and died.

Now, sir, if that is to be the price of the preservation of the Union, I say, "come disunion, and come to-day;" if you can only purchase peace with us by compelling us to surrender everything which exalts us above your slaves, let disunion come; I think the people of the free States will be ready for it. I am utterly astonished to hear a proposition of this sort made in the American Senate. The bill proceeds entirely on the assumption that there are no rights in the Constitution, except the rights of Slavery, and there is not a single word or letter in the proposition I have read, and I have read it very carefully, that is found to guard and protect with any efficient legislation the rights of a man or a child that may be wrongfully seized. Why not frame a bill that secures the rights both of the slaveholder and the freeman? Why is there not some penalty imposed upon those persons who, upon some pretence or color of right, undertake, unlawfully, to seize an individual? Does not the same obligation rest upon us to deliver up all your property, even a horse, if it should escape? Are not the free States under every obligation which an honest man would be under? Are they not bound, as honest men, to deliver up that property?

Every citizen has a right to sue in the courts of his own State for the recovery of his property, and the Constitution of the United States provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." There are courts, and a law of civilized society; a law which compels us to deliver up all the property of any citizen which may be found in our State. In New Hampshire, you cannot come and take a horse without a trial by jury, nor any other property, amounting in value to $18.88, if any individual contests it. But you come and take, not the horse, but the rider; not the accident, but the man; not a cow, but a child. Then the safeguards which the Constitution throws around property are stronger than for the man, and there is no help for him; but let me not be misunderstood; nor let it be said that I was ready to dissolve the Union. I said no such thing; and the ingenuity of no man is competent to torture what I said into such a meaning. I said, sooner than surrender those rights for which the battles of the Revolution were fought, I would let the Union go; for the Union was formed to secure the blessings of liberty, as our fathers have said; but when it is used to secure the curses of Slavery, then, I say, it should go down. I cannot suppose a bill of this character can possibly pass, unless it is made effectual to prevent abuses of this sort.

We are accused of having other purposes in this matter, and intending to irritate, wound, and insult the feelings of Southern gentlemen; but I ask you, if we have ever said anything on this subject that begins to come up to the declarations which have been taught us by the founders of the Republic in the slave States. I will not read them, but if I should be so foolish as to write out this speech, I may transcribe some of these declarations, made by the honorable William Pinkney, of Maryland on this subject. Sir, everything which the Abolitionists now say is tame, insipid, and heartless, compared with the denunciation made by him in the Legislature of Maryland, in 1789.

Extracts from a speech of Wm. Pinkney, delivered in the Maryland Legislature, July 1789, *on the bill for the relief of oppressed slaves.*

"The generous mind that has adequate ideas of the inherent *rights of mankind*, and knows the value of them, must feel its indignation rise against the *shameful traffic*, that introduces Slavery into a country which seems to have been designed by Providence as an *asylum* for those whom the arm of power has persecuted, and not as the nursery for wretches stripped of every privilege which Heaven intended for its rational creatures, and reduced to a level with—nay, become themselves—THE MERE GOODS AND CHATTELS OF THEIR MASTERS.

"Sir, by the *eternal principles of natural justice*, NO MASTER IN THE STATE HAS A RIGHT TO HOLD HIS SLAVE IN BONDAGE FOR A SINGLE HOUR; but the law of the land, which (however *oppressive* and *unjust*, however *inconsistent* with the great ground-work of the late revolution and our present frame of Government) we cannot, in prudence or from a regard to individual rights, abolish, has authorized a slavery as base, or perhaps *worse*, than the most absolute unconditional servitude that ever England knew in the early stages of its empire, under the tyrannical policy of the Danes, the feudal tenures of the Saxons, or the pure villanage of the Normans. . . . Sir, the natural character of Maryland is sufficiently *sullied* and *dishonored* by barely *tolerating* Slavery; but when it is found that your laws give every possible encouragement to its continuance to the latest generations, and are ingenious to prevent even its slow and gradual decline, how is the evil of the importation deepened? It may even be thought that our late glorious struggle for liberty did not originate in principle, but took its rise from popular caprice, the rage of faction, or the intemperance of party. . . . Sir, let gentlemen put it to themselves, that, after Providence has crowned our exertions in the cause of general freedom with success, and led us on to independence through a myriad of dangers, and in defiance of obstacles crowding thick upon each other, we should not so soon forget the principles upon which we fled to arms, and lose all sense of that interposition of Heaven by which alone we could have been saved from the grasp of arbitrary power. We may talk of liberty in our public councils, and fancy that we feel a reverence for her dictates; we may declaim, with all the vehemence of animated rhetoric, against oppression, and flatter ourselves that we detest the ugly monster; *but, so long as we continue to cherish the poisonous weed of partial Slavery among us, the world will doubt our sincerity.* In the name of Heaven, with what face can we call ourselves the friends of equal freedom and the inherent rights of our species, when we wantonly pass laws inimical to each; when we reject every opportunity of destroying, by silent imperceptible degrees, the *horrid* fabric of INDIVIDUAL BONDAGE, reared by the mercenary hands of those from whom the sacred flame of liberty received no devotion?

"Sir, it is pitiable to reflect with what wild inconsistencies, to what opposite extremes we are hurried by the frailty of our nature. Long have I been convinced that no generous sentiment of which the human heart is capable, no elevated passion of the soul that dignifies mankind can obtain a uniform and perfect dominion; to-day we may be aroused as one man, by a wonderful and unaccountable sympathy, against the *lawless invader of the rights of his fellow-creatures*; to-morrow we may be *guilty of some oppression which we reprobated and resisted in others.* Is it, Mr Speaker, because the complexion of these devoted victims is not quite so delicate as ours? Is it because their untutored minds (*humbled and debased by the hereditary yoke*) appear less active and capacious than our own? or is it because we have been so habituated to their situation as to become callous to the horrors of it, that we are determined, whether politic or not, to keep them till time shall be no more *on a level with the brutes?* 'FOR NOTHING,' says Montesquieu, SO MUCH ASSIMILATES A MAN TO A BRUTE AS LIVING AMONG FREEMEN HIMSELF A SLAVE.'

"CALL NOT MARYLAND A LAND OF LIBERTY; do not pretend that she has chosen this country as an asylum; that she has erected her temple and consecrated her shrine, when here also her *unhallowed enemy holds his hellish pandemonium, and our rulers offer sacrifices at his polluted altars.* The lily and the bramble may grow in special proximity, BUT LIBERTY AND SLAVERY DELIGHT IN SEPARATION. . . I would as soon believe the incoherent tale of a schoolboy, who should tell me he had been frightened by a ghost as that the grant of manumission ought in any degree to alarm us. Are we apprehensive that these men will become more dangerous by becoming FREEMEN? Are we alarmed lest, by being admitted to the enjoyment of *civil rights*, they will be inspired with a deadly enmity against the rights of others? Strange, unaccountable paradox! How much more rational would it be to argue that the natural enemy of the privileges of a *freeman is he who is robbed of them himself?* In him the foul fiend of jealousy converts the sense of his own debasement into a rancorous hatred for the more auspicious fate of others, while from him whom you have raised from the *degrading situation of a slave*, whom you have restored to that *rank in the order of the universe* which the *malignity* of his fortune prevented him from obtaining before, from such a man (unless his soul be ten thousand times blacker than his complexion) you may reasonably hope for all the *happy effects of the warmest gratitude and love.*

"Sir, let us not limit our views to the short period of a life in being; let us extend them along the continuous line of endless generations yet to come. How will the millions that now teem in the womb of futurity, and whom your *present laws would doom to the* CURSE OF PERPETUAL BONDAGE, feel the inspiration of gratitude to those whose *sacred love of liberty* shall have opened the door to their *admission within the pale of freedom?* Dishonorable to the species is the idea that they would ever prove injurious to our interests; *released from the shackles of Slavery*, by the justice of Government and the bounty of individuals, the want of fidelity and attachment would be next to impossible.

"It is for us to reflect that whatever the complexion, *however ignoble the ancestry* or uncultiavted the mind, ONE UNIVERSAL FATHER GAVE BEING TO THEM AND US; AND WITH THAT BEING CONFERRED THE INALIENABLE RIGHTS OF THE SPECIES."

Extracts from a speech delivered in the Maryland Legislature, November, 1789.

"The door to freedom is fenced about with such barbarous caution that a stranger would be naturally led to believe that our statesmen considered the existence of its opposite among us as the *sine qua non* of our prosperity; or, at least, that they regarded it as an act of the most atrocious criminality to raise an humble bondman from the dust, and place him on the stage of life on a level with their citizens.

"Mr. Speaker, iniquitous and most dishonorable to Maryland is that dreary system of partial bondage, which their laws have hitherto supported with a solicitude worthy of a better object, and her citizens by their practice countenanced.

"Founded in a disgraceful traffic, to which the parent country lent her fostering aid, from motives of interest, but which even she would have disdained to encourage, had England been the destined mart of SUCH INHUMAN MERCHANDISE, its continuance is as shameful as its origin.

"Eternal infamy await the abandoned miscreants, whose selfish souls could ever prompt them to rob unhappy Africa of her sons, and freight them hither by thousands, to poison the fair Eden of liberty with the rank weed of individual bondage! Nor is it more to the credit of our ancestors that they did not command those savage spoilers to bear their hateful cargo to another shore, where the shrine of freedom knew no votaries, and every purchaser would at once be a master and a slave.

"In the dawn of time, Mr Speaker, when the rough feelings of barbarism had not experienced the softening touches of refinement, such an unprincipled prostration of the inherent rights of human nature would have needed the gloss of an apology; but, to the everlasting reproach of Maryland, be it said, that when her citizens rivalled the nation from whence they emigrated in the knowledge of moral principles, and an enthusiasm in the cause of general freedom, they STOOPED TO BECOME THE CHASERS OF THEIR FELLOW-CREATURES, and to introduce an hereditary bondage into the bosom of their country, which should widen with every successive generation.

For my own part, I would willingly draw the veil of oblivion over this disgusting scene of iniquity, but that the present abject state of those who are descended from these kidnapped sufferers perpetually brings it forward to the memory.

"But wherefore should we confine the edge of censure to our ancestors, or those from whom they purchased? ARE NOT WE EQUALLY GUILTY? They strewed around the seeds of Slavery, WE CHERISH AND SUSTAIN THE GROWTH. They introduced the system, WE ENLARGE, INVIGORATE, AND CONFIRM IT.

"For shame, sir; let us throw off the mask; it is a cob-web one at best, and the world will see through it. It will not do thus to talk like philosophers, and act like unrelenting tyrants; to be perpetually sermonizing it, with liberty for our text, AND ACTUAL OPPRESSION for our commentary.

"Survey the country, sir, where the hand of freedom conducts the ploughshare, and compare their produce with yours. Your granaries, in this view, appear like the store-houses of emmets, though not supplied with equal industry. To trace the cause of this disparity between the fruits of a freeman's voluntary labors, animated by the hope of profit, and the slow-paced efforts of a slave, who acts from compulsion only, who has no incitement to exertion but fear, no prospect of remuneration to encourage, would be insulting the understanding. The cause and the effect are too obvious to escape observation. . . . . . .

THE EXTENSION OF CIVIL SLAVERY OUGHT TO ALARM US. In truth, we are the only nation upon earth that ever considered 'manumission' as a ground of apprehension, or the 'extension of Slavery' a political-desideratam"

That was said in 1789.

I will say, with regard to the subject which was up a few moments since, whenever a bill can be framed honestly to carry out the obligations of the Constitution, and carefully guarding against abuses, I will consent to carry out all these obligations in good faith; but good faith does not require that the rights of the States shall be perverted to enable persons to carry into effect the purpose of re-capturing fugitive slaves. It should be remembered that where the interests of freedom and Slavery are in contact, the interests of liberty should be preserved, protected, and guarded; and it is the duty of the Senate and of the National Legislature to protect and guard those rights of freedom.

Now, sir, with a single word about this general question, I leave the subject. My purpose and aim have been, not to throw any apple of discord into the Senate, or to excite any angry feelings; but when an attempt was made by the Senator from South Carolina to give, with all the authority attached to his great name and reputation, an historical account of the manner in which this subject had arisen and had been treated, and when I saw in that historical account great injustice had been done, as I thought, I considered that a sense of duty required me, according to the measure of my feeble abilities, to correct it, and attempt to do it justice. I have no purpose and no desire to say or do anything that may be exciting, or wound the feelings of anybody. The honorable Senator from North Carolina, (Mr. Badger,) in his appeal to the Senate, puts the question to us, if we are willing to go on with a measure which the people of the Southern States must consider as a great wrong and an insult to their feelings? I will tell you where I think this excitement grows from and springs from. I believe it grows from the very building in which we stand; and that the people of the South never suspected that they were being wronged and insulted, till they were told so from the city of Washington. I believe that disturbing matter goes out in speeches made in this Hall, and in the other end of the Capitol.

I believe that no possible ingenuity, no course of reasoning, could have induced the Legislatures of the southern States to think that a simple perseverance in a course of legislation, commencing with the Constitution, and older than the Constitution itself, is insulting and wrong, unless it had been industriously circulated and sent out in speeches made here.

Now, sir, an appeal to gentlemen of the North, to come forward and save this Union. I make an appeal to gentlemen of the South, and I ask them to cease from representing the North as oppressive; I ask them to cease from representing that there is a design, or a purpose, or a wish to do wrong or injustice to any portion of this Confederacy; I ask them to cease, from this day and henceforth and forever, from representing that the passage of the Ordinance of 1787, and applying it to the Territories of the United States in the bills organizing Territorial Governments, is anything but a bill that coincides with the Constitution, and runs with it to the present time; I ask them to go home and tell their constituents that this bill is the same which was applied by the old Continental Confederacy to every inch of Territory which we then owed, and that there has never been a Territorial bill different from this, down to the organization of the Oregon Territory, in which the right and the power of Congress to legislate upon this very subject of Slavery has not been introduced and acted upon undisputed. Now, if gentlemen from the southern States will do this, if they will put the history of Government right before their own constituency upon this subject, they will do more to allay the agitation here than the whole North can possibly do. What is asked of the North? They are asked not only to abandon the policy under which the Constitution was framed, but the honorable Senator from South Carolina, speaking for the South upon this subject, comes forward, and not only wants us to abandon it—to abandon all that we have done under the Constitution itself. That is what we are very modestly asked to do. He says: "Is it not then certain, that if something decisive is not now done to arrest it, the South will have to choose between abolition and secession?" What is to be done? The honorable Senator from South Carolina requires the insertion of a provision in the Constitution which will restore to the South the power which she possessed to protect herself. This, sir, is the very modest concession we are called upon to make; we are not only to give up the whole policy of legislation under which we have lived for sixty years, but we are to give up the Constitution itself, and insert a provision that shall forever maintain the equilibrium intended to be established. Sir, ingenuity is at fault when it comes to speculate upon the character of this proposed amendment.

Well, what is that amendment to be? Shall it be provided that the North shall not be populated any faster than the South? Or shall it provide that the voice of the slaveholding States, few as they may be, shall always be equal to that of the non-slaveholding States, however numerous and however much exceeding them in population? The Senator did not see fit to explain the nature of the amendment he proposed, but simply announced there must be some amendment made, without telling us what it was, as the price of the peace we are seeking. I look, then, upon it as a dissolution, so far as the settled opinions of that Senator are concerned, and that the time for which some of the sister States of South Carolina were not quite prepared fifteen years ago, has now come, and unless this important constitutional amendment is made by way of equilibrium, the South are prepared for secession, and that secession they will take, because he says they will be forced to choose between abolition and secession; and, indeed, as things are now moving, he thinks they will not be required to secede. Agitation, if not ceased, will do the work for them.

With this exposition of the matter, I leave it, and I leave the country to judge who it is that usurps power, and who it is that keeps up agitation—whether it is the men of the North or of the South who are to blame for the present state of excitement in the country. As regards the threats of secession made by the Senator from South Carolina, apparently regarding that as being the only remedy for the evils under which the South is now suffering, I have only to say, that of the propriety of the measure it is for them to judge, and for them to decide in view of the measure and its consequences.

Let me say, in conclusion, that this is not the end nor the purpose at which I aim, and at which, as far as I know, those with whom I act aim. We desire action, not out of the Constitution, or against the Constitution, but in and under it.

We desire to see that Constitution carried out as intended by its framers, and to see it administered in the spirit in which it was formed. And, sir, we desire to see, also, the abolition of Slavery effected throughout the world. I will not undertake to say how it is to be done; but no action of this Government is desired to effect it. We do not expect that public or political measures are to effect it; but by appealing to the hearts and consciences of men, by bringing home the principles of Christianity and the appeals of humanity to those who have the power to influence the men around them, and who have hearts to feel, we trust they will be induced to remedy or remove the evils under which the country, in this connection labors. This is what we desire, and aim at; and firmly believing in the providences of God, we trust the day will yet dawn upon this country when the word Slavery shall be a word without a meaning; and when those whose efforts are for universal freedom shall have, as their fathers had in the days of the Revolution, the earnest, hearty sympaties of those who live in the slaveholding States; and when every section of the Union will join hands with the other in spreading abroad the principles of humanity, philosophy, and of Christianity, which shall elevate every son and daughter of the human race to that liberty for which they were created, and for which they were destined by God.

That happy period, sir, will yet dawn upon the destinies of this nation; and then shall the united and universal shout of a regenerated people go up in one strong swelling chorus to the throne of the Most High, unmingled with the groans or prayers of the victims of oppression, living under any human form of government. These opinions, sir, we entertain, and these hopes we cherish, and we do not fear to avow them here now, always, and forever. We ask not the aid of this Government to bring it about; for we know that under the Constitution you have no power to move in the work, and therefore any such appeal of ours would be ill-timed. What we have a right to ask, and do ask, in the name of justice, of humanity, and of liberty, is that you place not this government in the way—that you do not by any action of yours interpose to extend the boundaries of Slavery, or retard the progress of human freedom and improvement. Sir, this great cause must prosper, and it is of little consequence to the cause whether this Government is found for it or against it; but it is of great moment to the Government, lest, unhappily, in this great controversy, it be found fighting against God.

TAKING SLAVES TO CALIFORNIA.—A Havana correspondent of the *Cincinnati Enquirer* says:

On our vessel are quite a number from Kentucky, several taking with them slaves under an agreement to give them their freedom for two years' services in the mines. Will the slaves adhere to the contract? They will! They are honest, and will not violate their word—they had opportunities to leave on the Indiana shore; every inducement was offered at Evansville and other places for them to leave—they resisted all; and then they leave behind families for whom they have the same interest that we have in ours, whose freedom they expect in time to purchase.

The Anti-Slavery Standard.

Without Concealment---Without Compromise.

NEW YORK, THURSDAY, APRIL 18, 1850.

SIXTEENTH ANNIVERSARY OF THE AMERICAN ANTI-SLAVERY SOCIETY.

THE SIXTEENTH ANNUAL MEETING OF THE AMERICAN ANTI-SLAVERY SOCIETY will be held at the BROADWAY TABERNACLE on TUESDAY, the SEVENTH f MAY, 1850.

At no moment since the commencement of the Anti-Slavery enterprise have the devoted zeal and earnest efforts of its advocates been more needed than at this. The American Society stands now as it did at the beginning, the *sole enemies*, through all the United States, to the system of AMERICAN CHATTEL SLAVERY. The magnitude of its work, and the importance of the obstacles in the way of its accomplishment are yearly made more and more manifest, as every party and organization that have hoped to struggle against the SLAVE-POWER by consenting to compromise with it, successively retire from the contest either glorying in successful treachery or submitting to shameful defeat. A contest of near twenty years has proved that the only hopeful issue with Slavery is the demand for the IMMEDIATE AND UNCONDITIONAL EMANCIPATION OF EVERY SLAVE, and that such a consummation can never be attaind so long as we maintain a political UNION WITH SLAVEHOLDERS.

The Northern boundary of the slave States is the same to-day that it was when the American Society came into existence; its Southern is extended Westward and Southward embracing vast and fertile territories sufficient to insure its existence for centuries to come. It is something to be thankful and hopeful for that this extension has not been without a struggle, and that that struggle becomes daily more and more earnest and determined. It will be entirely successful when the North is awakened to the conviction that the ABOLITION OF SLAVERY will alone determine its extension—that a Southern and Western boundary will no longer be contended for when its Northern is destroyed.

THE ABOLITIONISTS of the AMERICAN SOCIETY alone are devoted to this work. The Annual return of the Anniversary of their organization should remind them, each and all, of the duty they have assumed, and the responsibility which they have recognized as their own. He who does the most to make its action and its voice the most efficient will have only done the least he ought to do.

The meetings of the Society will be continued, as usual, for three days. The place of meeting will be named in future notices.

WM. LLOYD GARRISON, *President.*
WENDELL PHILLIPS, } *Secretaries.*
SYDNEY HOWARD GAY, }

Mahmood the Image-breaker.

OLD events have modern meanings; only that survives
Of past history which finds kindred in all hearts and lives.

Mahmood once, the idol-breaker, spreader of the Faith,
Was at Sumnat tempted sorely, as the legend saith.

In the great pagoda's centre, monstrous and abhorred,
Granite on a throne of granite, sate the temple's lord.

Mahmood paused a moment, silenced by the silent face
That with eyes of stone unwavering, awe the ancient place.

Then the Brahmins knelt before him, by his doubt made bold,
Pledging for their idol's ransom countless gems and gold.

Gold was yellow dirt to Mahmood, but of precious use,
Since from it the roots of power suck a potent juice.

'Were yon stone alone in question, this would please me well,"
Mahmood said, "but, with the block there, I my truth must sell.

"Wealth and rule slip down with Fortune, as her wheel turns round,
He who keeps his faith, he only cannot be discrowned.

"Little were a change of station, loss of life or crown,
But the wreck were past retrieving if the Man fell down."

So his iron mace he lifted, smote with might and main,
And the idol on the pavement tumbling, burst in twain.

Luck obeys the downright striker; from the hollow core,
Fifty times the Brahmins' offer deluged all the floor.

J. R. L.

The Compromises.

MRS. SWISSHELM, of the *Pittsburg Vister*, is on a visit to Washington, and is writing in her lively style to the *Tribune* of this city. From one of her letters we make an extract which sets forth the value of the Compromises in a striking way. She is speaking of the perpetual changes which Members of Congress and other public people ring upon the glorious Constitution and its Compromises, and says:

Those compromises it is said to have made do really require some defence. For instance, in going from Pittsburg to Cincinnati a few weeks ago, there was a woman on board our boat, who had been purchased by the man who had her in charge, for five hundred and fifty dollars—as much as would pay a Congressman's salary sixty-eight days. She had been sold "for no fault," but because her master was in debt. She had left father, mother, brother, sisters, a husband and three small children, one of them an infant.

I looked on her face with its haggard grief
Where "Compromises" were written in brief,
I counted her tears as they fell amain,
Saying "Compromises" again and again.
I thought of a babe at a cabin door,
Where a mother's shadow shall fall no more—
I thought of the wisdom of this great land
Assembled together—a mighty band,
With armies and navies at i's command,
With thundering cannon and gleaming swords,
And praying chaplains, and learned boards,
With their pompous words about Freedom's charms
As they tore the babe from its mother's arms,
The tears might have moved them. They were but men,
But what of the Compromises then?
I looked on her palid cheek again—
On her sunken eyes with their scalding rain,
And thought of the husband far away,
She should meet no more at the close of day;
Of the hearts all torn and the hearth laid waste;
And, like David of old, "I said in mine haste,"
Some things that I fain would repeat below
But the Compromises say plainly, "No."

Forgive my rhyming, Mr. GREELEY. I did not mean to do it; but the case of this poor woman affects me much; and sadness seeks rhyme for expression. It was looking on this poor mother weeping for her children that determined me to come to Washington. I wanted to see what the descendants of our Revolutionary fathers looked like, when in Congress assembled to devise ways and means for extending the area of such deeds of Chivalry. I go now into their great marble wonder, and wander through its magnificent rotundas and halls, its labyrinths of stairs and passages, gaze on its wonders of art, and before me at every turn flits up the shadowy apparition of that sorrow-stricken face. I see the humble form of that servant-woman skulking hither and thither as though she would escape to her children. At every turn an impediment prevents! Then there is a dead, cold wall. There, in the open passage, stands a group of sentinels! strange-looking sentinels, too—children and pitying men, and beautiful, kind-hearted women. There are many of them who would scarcely kill a worm, who would weep that a poor bird should be taken from her nestlings; but they will all form themselves into phalanxes, with bristling bayonets and naked swords to prevent the stricken mother flying to her child! Why is it so? Why is the voice of Nature and of God suppressed within us, and bidden to be silent? It is that we may hear what the compromisers say; and how honorable gentlemen talk about a few more compromises. You, with the rest, Mr. GREELEY, indulge "a *generous* spirit of compromise." It is considered very praiseworthy to do so; and no doubt you are a very clever man; but in this matter your *generosity* does not cost you much. It is very easy for you, or any other Northern gentleman, to make a bow to a Southern gentleman, and, in the spirit of the "most generous compromise," agree that he may tear a mother from her babes and set her up on an auction-block to get money to buy a race-horse or gold chain, and banish her, forever, from all she has known or loved. You are nothing the poorer when the deed is done. It is the mother and her children who are called upon to foot the bill; and it not unfrequently costs one of them the last remnant of a life your former generosity had made a scene of suffering and toil.

I am a little thick in the skull, and never could understand nice distinctions in etiquette or ethics. When Mr. HARRIS, of Tenn., rose the other day; with all his powers of oratory—a burning eloquence that required those glasses of water to prevent its bursting out into a flame—pleaded for "the rights of the South" just sounded to me as if he had been saying, "Gentlemen, we have a right—a natural and inalienable right, to whip women and sell babies. Our Revolutionary fathers died on the battle field to establish the glorious principle of women whipping and baby selling. Our immortal Constitution was found to secure to us the exercise of these inestimable privileges; and I, sir, I, Mr. HARRIS of Tenn. do now proclaim myself the valorous champion of American woman-scourging! It is our privilege, sir. We of the South, here, on the floor of this House, claim the right to sell our children with our sheep and oxen. We, sir, it is, who can and do, and *w-i-l-l* sell our daughters to infamy and traffic in the bodies and souls of our brethren—Yea of our brethren, Sir—of those for whom a common Saviour has shed his blood—of those who with us, are joint heirs of immortality. We, sir, *we* will carry them to the shambles, remembering that inasmuch as we do it unto the least of these His brethren, we do it unto Him. We will there *barter* for gold the very Son of God himself! We it is, sir, who sell upon the auction-block the image of God for handsful of silver coin! We are the fearless champions who will dissolve this Union. All union between ourselves and the spirit of Freedom abroad in the earth—the favor of Heaven and the approval of all good men, for this our privilege of selling men and whipping women."

SEWARD'S SPEECH.—*Messrs. Editors:* I have recently received, through the mail, a copy of Mr. Seward's speech franked by that Senator; and it is understood that most of the clergy of South Carolina have been thus honored. Will you permit me, through your columns, to suggest to my Reverend Brethren the course which I have myself adopted, viz.: to erese their own names from the envelope, and direct the same. "Hon. W. H Seward, Washington, D. C." *It is proper for us, at times, to rebuke folly and vice, even though we may not hope that our monitions will prove effectual.* If we fail to convince the honorable gentleman and his clique of ignorance and presumption, we may, perchance, succeed in securing ourselves, for the future, from the intrusions of abolition blasphemy.

CLERICUS.

So writes a South Carolina parson to the editors of the *Charleston Mercury*. Are his notions, of the relation which the Christian teacher should bear to the wrong of stripping human beings of every right that belongs to humanity, peculiar to that latitude? By no means. There would have been no Annexation of Texas, there would have been no Mexican war, there would have been no question of Slavery extension, there would have been only, by this time, a question of the annihilation of the vestiges of Slavery in the Old Slave States, had not these infamous doctrines of black-coated knaves at the South been upheld and promulgated by knaves of the same sort in the Northern States. Cotton brokers, and shippers, buyers and weavers, whose mercantile profits depend upon a full supply and demand of the staple product of the labor of slaves, have demanded that the question of the right of these laborers to some portion of the fruit of their own toil shall not be agitated; politicians who see in the dim future visions of Collectorships, Foreign Missions, Seats in Cabinets, Speakerships, and even Presidencies, have been ready enough to bargain away always—not their own souls, for the suggestion of such a thing is an extravagance, even as a figure of speech, but—the bodies of millions of human creatures, the unquestioned possession of which in unlimited and bloody control by the masters of all parties is the price of all these and other official stations; newspaper editors, thoroughly convinced of the truth at least of one doctrine of Scripture,—that we cannot serve God and Mammon,—making therefore no pretensions to serving God, have obeyed their true master by repressing Anti Slavery discussion, in getting abolitionists also repressed with ropes and bullets, if it could be done in no other way; and all these acting on the Ceremony in solemn neck-cloth, and sublime silk gown and surplice which they put in pulpits on Sundays as a thing to thank God on, and keep on week-days, at the rate of a thousand or two dollars a year, to make godly and glass-o'-wine calls on wives and daughters,—this, in its turn, has strengthened the weak and foolish, whose thinking is thus done for them, and gratified the wily and strong by preaching just such doctrine as this of the canting 'Clericus' of South Carolina.

So has it been, and so, for the most part will it be till the clergy are quite certain that the stringent compulsion of a counter current in public opinion can not and should not be longer resisted. Not that in this there is anything to wonder at; on the contrary they are like other men, liable to error, and were it not for their unfortunate position, might be equally subject also to good influences. They would not be, as a whole, the most useless and most mischievous class of the community did they not assume to be infallible and believe themselves to be so only in their compliance with the popular wish rather than the popular want.

And then also, as we are glad to acknowledge, there is a class among a clergy, though unfortunately a small one, who have a very clear notion of the responsibilities of their station, and believe that their purpose in living is to fulfil them faithfully, and not that to get the living is the faithful fulfilment; and such class we hope is somewhat on the increase. At least we have such good authority for indulgin this faith as the *Journal of Commerce* which says in a recent article:

> If there are objections against clergymen's meddling with politics out of the pulpit, what shall be said of these who bring politics into the pulpits, on the Sabbath! Of such there are many. Not that they bring into the pulpit *mere* party polities, although in some cases there is a near approximation to it. Free Soilism, used in its technical, party sense, expresses the idea in black and white. What we mean to say, then, is, that many clergymen, at this day, preach Free Soilism, and pray Free Soilism, in the pulpit, on the Sabbath; and we mean to say that this is an outrage upon the Sabbath and upon the pulpit; an abuse of privilege; and affords to any congregation just ground of complaint, and if persisted in, of repudiation. In proof of what we assert, we appeal to the experience of thousands of our readers.

Here now is a fit parishoner for the Carolinian Clericus, and that we are entirely within the mark when we say that it is the Northern abettors of such men who are the upholders of Slavery, witness the following letter from the same paper commenting upon the article from which we extract the above passage:

> MR. EDITOR:—Your concluding remarks this morning, on "Politics and the Pulpit," refer very specifically, but not at all definitely enough, we think, to the clergy of Brooklyn. Sir, shall the excesses, real or imputed, of one, be published through the nation to defame and injure us all? Shall Good come of this evil done? Might not editors be served so, as well as preachers? Are we all accountable for words never heard or known by us before? We ask this with some sense of injury. You have no right to do wrong, Mr. Editor, if you are ever so respectable and influential and talented. We are conservative and loyal, and we ask reparation and redress. We love our own rights, our own duties, and our own UNION.
>
> SEVERAL OF THE CLERGY HERE.
>
> BROOKLYN, April 12, 1850.

Defamed and injured truly, these Brooklyn Clergy! But that all due reparation may be made to these innocent Saints, the *Journal* gives the name of the Rev. Dr. Lansing as the offending member,—whose offence, by the bye is that he used the Sabbath and the pulpit to warn his people against the perpetration of such a National Sin as the extension of Slavery. Lest others should follow his example the *Journal of Commerce*, of wide influence and extensive circulation, and eminent as the most pious of the secular-press, points out how such delinquents must be dealt with.

DISSOLUTION OF THE UNION.—The *Anti-Slavery Standard*, of this city, publishes prominently at the head of its editorial columns, Wm. Lloyd Garrison's announcement of the forth-coming Annual Meeting of the American Anti-Slavery Society, at the Broadway Tabernacle, 7th May, of which the following is an extract:

> "A contest of near twenty years has proved that the only hopeful issue with Slavery is the demand for the IMMEDIATE AND UNCONDITIONAL EMANCIPATION OF EVERY SLAVE, and that such a consummation can never be attained so long as we maintain a political UNION WITH SLAVEHOLDERS.—*Journal of Commerce.*

—Of course then the *Journal* not only does not approve of our method of attaining such a consummation, but it does not even esteem such an end—the abolition of Slavery—as desirable. Had it not better get up a mob for us at our Annual Meeting?

☞ HON. JOHN P. HALE, and Hon. S. P. CHASE, of the U. S. Senate, will accept our thanks for valuable Congressional documents. Our acknowledgements are also due for similar favors to Messrs. H. A. SACKETT, C. DURKEE, R. S. BALDWIN, and L. D. CAMPBELL, of the House.

WE are sure we need make no apology for the want of editorial variety in this No. of the *Standard*, as the space is so well filled by the admirable speech of Mr. Hale, which in this full report will be new to all our readers.

Domestic Correspondence.

From Our Boston Correspondent.

NO. LIX.

THE ARGUMENT.—*Reason of omission of regular letter.—The Webster trial.—Its universal interest.—Morbid excitement.—The fever in Boston—Effect on business.—The Sheriff's arrangements.—Scene in Court-room.—Strictures on the trial.—Opinion of eye witnesses as to its fairness.—Dr. Keep's evidence.—Identity of remains.—Evidence to connect Dr. Webster with them.—The fatal facts.—The Alibi of Dr. Parkman.—Charge of Chief Justice Shaw.—Closing of the Attorney General.—Argument from the demeanour of the prisoner.—What it was.—The Verdict and Sentence.—The Murders since the Execution of Goode.—Daniel Webster and his Compurgators.—Who they are.—The Atlas.—The game and its chances, &c., &c., &c.*

BOSTON, April 13th, 1850.

I LET my usual alternate day of letter-writing pass by a fortnight ago, not so much from the want of matter as from a superfluity of it. The trial of Dr. Webster was then just at an end, and, having diligently attended it from its opening to its close, I had neither strength nor heart to write anything about it, and certainly, not about anything else. The tension of mind for eleven days maintained by the continually growing interest of the process, and the actual bodily fatigue, to say nothing of the shocking atmosphere of an ill-ventilated Court-room, crowded to its extremest point of pressure, required two or three days rest before mind and body could get into a tolerably normal state again. I suppose there was never a trial that produced so profound and universal an interest as this.—Certainly not in Boston, and to judge from the eagerness with which its progress was marked by the press in the remotest parts of the Union, in any part of the country. This was owing, doubtless, in a great degree, to the high social position of the murdered man and of the party accused, but still more to the circumstances attending the disappearance of Dr. Parkman and the discovery of his mutilated remains. It had the deep interest of a tragedy heightened by the stage-effect of a melo-drama. It is, certainly, to be hoped that it will stand alone in the Annals of New England,—itself its only parallel. For the morbid interest and unhealthy excitement of the public mind which it has caused is a permanent and wide-spreading cause of mischief, the effects of which will long survive the dreadful catastrophe that occasioned it.

The fever of interest which pervaded this city during the trial was perfectly typhoid in its character. Nothing else was spoken of, and I was credibly assured by a merchant that it sensibly affected the course of business. People seemed to be able to think and talk of nothing else, and dry goods, domestics, groceries, drysalteries, yea even Stocks themselves, had to stand aside and yield precedence to the Trial for a season. I am sure I could not describe or illustrate the intensity of the interest felt than by this statement. The great object of ambition was to obtain a Sheriff's ticket to the floor of the Court-house, and they would doubtless, have brought prices ranging alongside of those in the days of the Kean fever had it been proper for that officer to put them up at sale. The Sheriff's arrangements were made very judiciously and prevented any extreme crowd, except at the entrance to the gallery. No person was admitted to the floor except privileged persons and such as held Sheriff's tickets, and every one had to pass at least three officers at different points before gaining admission. At the gallery, too, after the first day or two, the people were admitted for fifteen minutes at a time, so that a great number of persons had access in the course of a day, to have a glimpse of proceedings and a look at the prisoner,—which was all the great majority cared for. The scene in the Court-room, thronged as it always was and with every face earnest with interest, and in the knowledge of the fearful stake at issue, was almost oppressive in its solemnity.

I see that several of your City papers, as well as others in different parts of the Country, criticize the manner in which the trial was conducted, and condemn the result in which it issued. I do not know how such trials are conducted elsewhere, or what amount of circumstantial evidence is considered sufficient to justify a conviction; but I think there was but one opinion as to the fairness of this trial or of the inevitable necessity of the verdict, on the part of those who heard the whole of it. Reports are, of necessity, imperfect and the effect of evidence on the public out of doors, receiving it through the medium of the press, is necessarily different in degree from that produced from the actual presence and very words of the witnesses. But the reports must have been extremely insufficient, if they left any ground for the kind of strictures which have come back to us from other parts of the country. The main witness, without whose evidence a conviction was impossible, was Dr. Keep, the dentist, who identified the teeth found in the furnace. It was the most terrible piece of evidence I ever heard given in a Court of Justice. The clearness and circumstantiality of his description of the method in which the teeth were made, the ocular evidence of the manner in which they fitted the mould of Dr. Parkman's jaw, the corroborating circumstances which made him certain that those were the ruins of the very set he had made for the missing man, set off by the strong emotion and obvious reluctance with which he gave his testimony, and confirmed by the testimony of his assistant Mr. Nobles, produced an irresistible conviction in the minds of those that heard them that the fact of identity was as well established as it was possible for human evidence to establish it.

Admitting that the remains were satisfactorily identified as those of Dr. Parkman, the next step was to connect Dr. Webster with them. The two fatal facts which, taken in connection, seemed to make him accountable for them, were, first, that the remains were found upon his premises in Boston, and secondly, that the larger note of hand payable to Dr. Parkman, but not due until next year was found upon his premises at Cambridge. No man of business would have given up an unpaid note to the promissor, and of all the men in the world Dr. Parkman was the last to have done such a thing,—and especially to one of whom he had so ill an opinion as of Dr. Webster. Of the manner in which Dr. Webster obtained possession of this property of Dr. Parkman, no explanation has ever been given. Now though it may be *possible*, that conspiraters might have placed the body of Dr. Parkman where it was found for the purpose of implicating Dr. Webster, and that they might have mutilated it in such a manner as to have made its recognition next to a miracle (though they could obtain the reward for the discovery only upon its identification,) and though they might have put Dr. Webster in possession of his unpaid note of hand in a way of which he could give no account; still these are possibilities on which it is hardly to be expected that Courts and Juries will act. These were the main and crushing facts, sustained by others of more or less weight, but encountered by no facts, or even hypotheses founded on reasonable probabilities, to contradict or explain them. In the presence of these facts it cannot be surprising that a Jury sworn to try the case according to the evidence should have rendered the verdict they did.

This view of the important evidence in the case disposed of the evidence as to Dr. Parkman's having been seen after the time when he was supposed to have been murdered. For if it had been he that the witnesses thought they saw, and yet the remains were proved to have been Dr. Parkman's and found on Dr. Webster's premises, and his property in Dr. Webster's possession, a case was made out against him, unless explained.—The time of the murder, if committed, the Court instructed the jury, was immaterial.

The Charge of Chief Justice Shaw was a very clear and able and, as it seemed to us, impartial one. There being virtually no defence it was impossible to make the evidence on both sides equiponderate perfectly. But he summed up what points were attempted, and put aside many of the ones which the prosecution had laboured as strongly as any,—such as, the anonymous letters, the prisoner's demeanour when arrested and on trial, his waiving an examination, &c. The closing speech of the Attorney General was justly obnoxious to criticism as unnecessarily and unjustifiably vituperative towards the prisoner. If he had evidence enough to convict him such personal severity was superfluous and in bad taste; and if he had not, nothing could be more unjustifiable than an attempt to win a verdict of conviction by exciting the passions of the Jury. A prosecuting officer, I should think, ought to be governed by at least a semi-judicial spirit, and to exhibit something of the impartiality and decorum of the Bench. His argument from the demeanour of the prisoner in Court struck me as particularly unfair and ungenerous. He must have been a superficial observer who saw anything of levity or callousness in Dr. Webster's conduct during the trial. It seemed to me singularly proper and becoming. Calm and composed he was, certainly; but no one could watch him closely, or especially, converse with him, without seeing that it was not the composure of indifference, but of self-command and effort. That he showed no emotion at that most touching point of the trial when his daughters were giving their evidence was not true, if my eyes were to be believed. His ill-judged address and his reflections on his counsel, who had certainly done all that the materials they had enabled them to do, whatever else it did, gave no evidence of indifference or levity. And his terrible distress at the rendition of the verdict and the passing of the sentence contradicted all such absurd and unnatural glosses. It seemed to me that he was endeavouring, as far as possible, to maintain his ordinary deportment; which is what any man of sense, in his circumstances, whether guilty or innocent, would try to do.

I took care to be out of the way when those two last painful acts of the drama took place,—my only wish being to hear the whole of the case for myself. Great crowds were collected around the Court-house to hear the result. There was a good deal of surprise expressed at it, arising from an opinion in the common mind that a gentleman of Dr. Webster's rank in life could not be convicted of a capital offence on any evidence. I do not think, however, that his social position stood him in any stead at all. If it did not prejudice his case it was well. I think there was a sincere desire that he should have a fair trial, and a hope that he might be fairly acquitted, but nothing more. The day after the conviction, which was Sunday, a perceptible depression and sadness brooded over the streets; and, indeed, this look of gloom did not pass away for a day or two after the sentence had been passed. Dr. Webster is still the chief topic of conversation, and one can hardly begin at so remote a point that he will not come in for a share before it is ended. The Medical College has been visited by tens of thousands, curious to see the scene of the tragedy. He, himself, is said to have soon recovered his entire equanimity and to profess himself prepared for the worst. What efforts are to be made in his behalf I do not know; but I see no reason why those opposing capital punishments on principle should not make as great efforts as they did for Washington Goode. A man is a man whether he be a negro sailor or a scientific professor, and the right of the one to his life as well as of the other should be equally maintained. I trust that the real distress of mind which this case has caused, whatever be its result, may lead to the Abolition of the Death Penalty, that it may not be suffered again. One thing seems pretty clear, that a hanging does not prevent murders. Within about a year of the execution of Goode three of the most horrid murders in the annals of Massachusetts have been committed,—this of Dr. Parkman, that by Pearson of his wife and two children (who, now the trial is over and the circumstance can do him no injury, I will state is a near relative of JOHN H. PEARSON the Boston kidnapper) and the girl Adams at Lowell.

I have filled up so much space with this unhappy man that I have hardly left myself a corner in which to speak of the other criminal of the same name who is now on his trial by God and his country. In spite of the nine or ten hundred compurgators whom he has summoned for his justification his condemnation is sure, and I trust his punishment certain. Of the signers of the letter of approval in question, perhaps near a hundred are persons of more or less mark and likelihood. As to the rest, they would as readily have signed a petition to have Daniel Webster hanged as this, if the other names had gone before them. But though there a good many significant names appended to the letter, there are many of more significance among the missing. Gentlemen of as much political and pecuniary weight as any there refused to sign it. One, in particular, whose name stands for much in this region, is said to have epigramatically declared that, in this matter, "Mr. Webster was inspired by the Devil to the extent of his intellect!" The *Atlas* is still "unremoved" and firm in the attitude of opposition it assumed at first, and, probably speaks the sentiments of the numerical majority of the Whigs throughout the State. It is thought that mischief is brewing at Washington which may make the quarrel even prettier than it now stands. One thing is clear that Mr. Webster like a gamester late at night, has doubled his stakes and risked all on the turn of the dice. Should he succeed and become Secretary of State with the reversion of the Presidency, I will not answer for the best of the Whig malcontents continuing their opposition to him. But if he fail, (as it is scarcely possible but he must,) he is a ruined gamester and the whole herd will vie with each other in treading down "that poor and broken bankrupt there." Even as it is I am told that the herd of his friends, admirers, idolaters, parasites and toadies, and the host such as it is they have drawn after them, disclaim in the detail the very doctrines that they have endorsed in the gross.—

D. Y.

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Miscellany.

POPE JOAN

FROM THE NORTH BRITISH REVIEW.

Signor Bianchi-Giovini has placed, in the above quoted title-page[*] of his very curious and able little work, a word which possibly might have with propriety appeared on its colophon, but which certainly has no business to occupy the position it does. The crier of a court of justice does not call on the trial of "Richard Roe, *guilty* of felony," &c. The "guilty" or "not guilty" is to be the *result* of the trial. And the "critical examination" of Signor Bianchi-Giovini is instituted by him expressly to investigate whether the strange accounts of a female Pope, found in the medieval historians, be or be not "*fabulous*."—The foregone conclusion therefore involved in terming the whole matter "a fable" in the title-page should have been avoided. The author, it may be replied, had of course concluded his own investigations and made up his mind on the question at issue, before he sat down to write his book. But he should have conducted scrupulously the mind of the reader along the path which his own had followed, without showing him beforehand the conclusion he was about to arrive at. This should have been so managed with as much care as a novel writer uses to prevent his reader from penetrating too soon the secret of the *denouement* on which his interest depends. For as this concealment is essential to the amusement of the novel-reader, so would the analagous reserve which we have been recommending have been useful in imparting to the historical student the full appreciation of the most important part of the instruction this curious examination is calculated to afford.

What this lesson is in our opinion, we will point out presently. For the moment, we will endeavor to do by our reader as we have said our author ought to have done by his. We will endeavor to lay the case unprejudged before him, and leave him to form his own conclusions as he goes. The only further prefatory remark we shall make is, that the reader may truly look on the question under examination as still undecided, notwithstanding the conclusion to which our author has come has been disclosed to him. For if Signor Bianchi-Giovini deems the story of the Popess to be a fable, such men as Lenfant, Spanheim, and in a great degree, Basnage, believed it to be true history.

We will now relate, as succinctly as may be, the history of Pope Joan, as found in many historians of the Middle Ages. Some variations may be observed in many of these writers, it is true. We will not, however, trouble the reader with these immaterial discrepancies, but will give the story as told in the main by most of them.

Pope Leo the Fourth died in the year 855; and Benedict the Third stands in the catalogue of popes as his successor. But between these two, the throne of St. Peter was occupied for more than two years by a woman. She does not appear in the list of popes, because it was wished by the Church and its historians to throw the veil of oblivion over so great a sacrilege and scandal. The fact, however, was, that on the death of Leo the Fourth, the clergy and people of Rome met to elect his successor, when their choice fell on a young priest, a stranger in Rome, who during the period of his stay there had acquired an immense reputation for learning and virtue, and who became Pope, with the title of John the Eighth. This supposed priest was, however, in reality a female: and her previous history was as follows:—An English missionary priest was travelling in Saxony with his wife, who at Ingelheim was brought to bed, and gave birth to a daughter. The missionary, with his family thus increased, travelled onwards on his vocation; and after a while, established himself permanently at Fulda. There he found time, amid the occupations occasioned by his newly-formed congregation, to bestow much care and labor on the education of his daughter. She rewarded his pains by the most remarkable progress in all the learning of that day. Nor was she less richly endowed in person than in intellect; and at twelve years old, she was a prodigy of beauty and of learning.

At this early age, a monk of the convent at Fulda having chanced to become acquainted with her, fell violently in love with her. The beautiful Giovanna was, it would seem, less remarkable for virtue and prudence than for other high qualities; for she appears to have made little or no difficulty in returning the monk's passion. A guilty commerce commenced between them, and was for a while carried on by stealth beneath her father's roof. The meetings, however, which they were thus able to contrive, were too few and far between, and attended with too great risk to satisfy the lovers. In order therefore to be wholly and securely together, it was determined between them, that Giovanna should secretly leave her father's house, should assume male attire, and thus introduced by her lover, should desire of the Abbot admission into his convent. This scheme was put into execution accordingly; and the Abbot, charmed with the learning and talent of the young postulant, readily received her among his flock. And so well did she maintain the part she had assumed, and so cautious were the lovers in their conduct, that during her stay in the convent no suspicion was ever raised of the real state of the case.

However, be the cause what it it might, they soon became tired of their convent life, and concerted a plan of flight. They got safe out of the monastery, changed their conventual dresses for lay costumes, and thus escaped to England, of which country the monk also was a native. Having tarried there awhile, they passed thence into France; from France into Italy, and from Italy to Greece. During all these wanderings, they halted wherever they found learned men and learning. Thus gathering erudition from all the most celebrated seats of learning in Europe, they became profoundly versed in all the science of their age. In Greece, they fixed their quarters at Athens, that being the best residence for the purpose of studying the Grecian language.—There, however, the wanderings of the lover monk were brought to a conclusion; for he was seized with a sudden malady, which at the end of a few days caused his death.

Giovanna thus left alone, determined on quitting Greece and returning to Italy. She started accordingly, still dressed as ever in male attire, and arrived safely at Rome. There the reputation of her learning, and the fame of her virtue—for she now led a most exemplary life—were soon spread over the whole city. She immediately commenced a course of public lectures and disputations after the manner of that day, which instantly attracted an immense crowd of hearers. All the students in Rome flocked to her school, and even the most celebrated professors were seen on the benches. At the same time, her exemplary piety won as much admiration as her matchless learning.

At this conjuncture Leo the Fourth died, and the people and the clergy forthwith assembled to choose his successor. On whom could their choice more worthily fall than on this stranger, with whose varied excellencies all Rome was ringing? There was, as contemporary historians assure us, no lack of men remarkable for their virtue, wisdom, and learning at Rome in those days. So preëminent, however was the merit of Giovanna above all others, that she was unanimously chosen Pope, and enthroned as John the Eighth. In her new position Giovanna attracted no less admiration and praise from all men, than she had previously done in her more humble station. The weighty cares of government were borne by her with surprising wisdom and judgment. It was not long, however, before she fell into the same sin that had before ensnared her. An old historian contributes this fall to her, "*aver cominciato a mangiare cibi troppo delicatiche non aveva costumato prima di allora.*" However this might be, Giovanna fell, and the result of her backsliding was, ere long, a Pope in the family way! Some of the chroniclers relate, that while in this condition, she on one occasion undertook to exorcise a person possessed of an evil spirit; and that on her demanding of the devil when he would go out from the possessed person's body, the evil one replied in the following verses:—

"Papa pater patrum papissæ pandito partum
Et tibi tunc edam, quando de corpore cedam."

That is to say,—"Oh, Pope, thou father of the fathers, declare the time of the Popess's parturition, and I will then tell you when I will go out from this body."

No suspicion was, however, raised in the minds of the bystanders by this sally of the foul fiend. They thought that if it meant anything more than mere devilish impudence, it signified that the devil refused ever to yield. And so Giovanna approached the critical period without any suspicion of the truth being yet awakened. At length it came to the time of the Rogation days, a period of much solemn processioning in Rome. And it came to pass, that the Pope, not aware how near she was to her time, and unwilling to appear remiss in her religious duties, left the church of the Vatican, at the head of all her clergy, to walk in procession to the Lateran. The solemn pageant proceeded with all due ceremony and decorum, till it arrived at that spot in its road which lies between the church of St. Clement and the Coliseum. When suddenly seized with the pains of labor, there in the open street, amid all the astounded cardinals and clergy, to the confusion of herself, to the horror of all the assembled multitude, and the sad disgrace of the entire Church, the infallible head thereof gave birth to a child! The circumstances, however, of such an accouchement were fatal to both mother and child. As a mark of the horror felt by the Church for so dreadful a sacrilege, it was determined that the Pontiff in procession should never again pass by that desecrated spot. A statue was raised there to perpetuate the infamy of the fact; and a ceremony, minutely described by successive historians, was ordained to be observed at the consecration of all future Popes, for the purpose of preventing the possibility of a recurrence of a similar scandal. Theodore of Niem, who lived long at Rome in the position of secretary to two Popes, testifies to the existence of a statue of the female Pope. And Mabillon, in his "Iter Italicum," tells us of the portrait of Pope Joan, occupying its place between those of Leo the Fourth and Benedict the Third, in the cathedral of Siena.

Such is the story of the female Pope,—a history related and handed down during a period of six hundred years by more than two hundred writers, among whom are to be found popes, cardinals, bishops, theologians, inquisitors, priests, friars, laymen, historians, moralists, orthodox catholics, and heretics. "Is it possible," asks Signor Bianchi-Giovini, "for a tradition to be better supported?" The nature of the subject, too, is such as to exclude effectually, we would think, all possibility of mistake or falsification. The main facts of the story took place in a spot then the very centre of the civilized world—in a city which was not, as most other cities at that day were, isolated in a great degree from the rest of Europe, but which was in constant relation with all Christendom. The catastrophe is represented to have happened under the eyes of a vast multitude, including all the most instructed and pen-handling men in Rome. The principal personage of the extraordinary scene, too, was that one of all the human beings in the world most certain of being minutely and carefully chronicled. Of interest to all Europe, the Pope was especially interesting to that class who alone were capable of recording facts, and who were in the habit of registering all such as appeared to them important. Any mistake or falsification respecting such an event, happening under such a combination of circumstances, does most assuredly appear impossible.

Many of the other tests usually adopted by critics in determining the value of historical evidence will, if applied to the narration in question, still farther tend to the conviction, that, however strange it may appear that such a story should be true, it would be far stranger, nay incredible, that it should be false. In the first place, what would be the natural bias of those who have recorded the facts? Can we discover any motive which might have led them to invent such a story? The contrary is most palpably and notoriously the case. The chroniclers who have recorded and perpetuated this story were telling that which all their prejudices, interests, feelings, and desires would have naturally led them to wish suppressed, hidden, and forgotten forever. They were putting arms into the hands of their enemies. It is most evident that they wrote such things only because they deemed them too true and too well known to be suppressed.

Again, is it a story likely to have been invented as falling in with any popular delusion or superstition, or hope, or fear, of that day?—Have we other instances of similar fictions? Were any of the circumstances of those times calculated to generate such an invention in the imagination?—Nothing of the sort. Nothing can appear more improbable than the first conception of such a fable. Indeed, it may be thought that the first inventor and publisher of such a scandalous story, supposing it to be an invention, would have been in imminent danger from the indignation of his ecclesiastical superiors and of the Church in general.

Then, again, consider the circumstantial minuteness of the narration. Even supposing that in some inconceivable manner a strange unfounded idea had been generated, that a female had once upon a time occupied the chair of St. Peter, would not the most credulous chronicler, or the most audacious fabler, have contented himself with recording or inventing that one naked circumstance? Do we not invariably find that the fables, which have had their origin amid the darkness of ante-historical times, and have foisted themselves, amid truths and half truths, into the page of history, are mere vague statements of isolated facts, the skeletons of a story rather than the true body of one clothed with its flesh and blood of circumstance, and due sequence of antecedent and result? Is it to be supposed, that if the story had been absolutely void of foundation we should have recorded the birth and parentage of the false Popess—a complete and intelligible account of all her previous adventures—an entire and consistent biography in short?—a biography, too, in which all the facts are consistent not only with themselves but with the history and condition of the times when they are supposed to have taken place. And, truly, the story of Giovanna is nothing less than all this. The married Romanist English missionary travelling in Saxony, learned in the learning of those times—the immoral and unprincipled, yet studious and learning-loving lover monk—the thronging Roman scholars, eager after the teaching of the newly arrived stranger doctor from foreign countries, are all "dramatis personæ" true to the history of the period, genuine excerpts from the real world of that day. Then the itinerant pursuit of erudition, and of the fame thereof, the suddenly acquired reputation, &c., are all in true keeping. Can we refuse to admit all these facts to be strong presumptions in favor of the story?—Must we not confess that many of the usual and well-known characteristics of fabulous narration are wanting here?

Does it appear credible, we ask, that such a story, so related, and so long received by those who had most interest to reject it, should be absolutely and entirely false? Does it not seem impossible? Yet, in one word, such is the case. Few of those who have ever examined the question will at the present day, we believe, be inclined to impugn our assertion, if we pronounce unhesitatingly the entire story to be a pure and unmixed fabrication! This is the curiosity of the thing; and herein lies the instruction to be drawn from the story, and from Signor Bianchi-Giovini's very able investigation of it.

Before, however, pointing out more specially the lessons it affords, and the rules it illustrates in that science which teaches the weighing and due estimation of historical evidence, it will not be uninteresting to sketch very briefly the rise and progress of the tradition, as we find it recorded in the pages of a long series of chroniclers.

The first writer, in point of date, who mentions the Popess, is Marianus Scotus, who was born in 1028, became a monk in 1052, went from Scotland to Germany in 1058, remained several years in the monastery of Fulda, wrote an Universal Chronicle, which comes down to 1083, and died at Mayence in 1086. In this monk's Chronicle it stands written: "Leo the Pope died on the first of August. To him succeeded John, who was a woman, and sat for two years, five months, and four days." And this is all. Not a word of her parents, her loves, her peregrinations, or the circumstances of her death. It appears, therefore, that this strange history did not rise perfect from the brain of its inventor, like Minerva from that of Jove, but that it was, as we shall further see presently, the produce of a long and gradual growth, and due to the genius of a lengthy series of inventive historians. There is another important remark, however, to be made, before quitting Marianus, on a circumstance which meets us thus at the outset of our path, and which continually recurs during its whole course. It is the gross and disgraceful dishonesty and ill faith of writers on both sides, as soon as Church interest and polemical feelings are involved in the matter, and the *odium theologicum* is aroused. Old Marianus lived in days which were not controversial, and he no doubt, tells the matter as he heard it. But it so happens that the editor of his Chronicle, when it was printed for the first time at Bale, in 1559, was John Herold, a Calvinist. *Consequently*, in printing the above passage respecting the she Pope, he quietly leaves out the words "*ut asseritur*," which stands in the MS., and thus alters the old monk's hearsay to a direct and positive assertion.

Pass we on, however, to the builders on this promising foundation.

Leaving on one side one or two authors, who merely mention the fact that a female Pope was said to have succeeded Leo IV., and a few of whom it is doubtful whether they speak of her at all, we come to an anonymous unedited Chronicle in the library of St. Paul, at Leipsic, which comes down to 1262. The writer of this, under the year 900, after saying that Sergius III. was, for his vices, by some considered a pseudo-Pope, goes on thus:—"There was another false Pope, the name and date of whom are unknown; since she was a woman, as the Romans confess, of great beauty and of great learning, but who always concealed her sex under a male costume, till she was elected Pope. She became with child in her Papacy, and the demon, in a consistory, made the fact known to all, by crying out to the Pope, '*Papa pater patrum Papissæ pandito partum.*'" Here we have the fact of her bearing a child, and the circumstances of her beauty and learning, in addition to the more naked notice of the earlier writer.

As we come down the stream of time, however, but a few years further, we come to an author who appears to have contributed a handsome addition to our fabric. This is Martinus Polaccus, who was a friar-penitentiary of Pope Nicholas III., archbishop of Cosenza, and author of a Chronicle of the Popes and Emperors, which comes down to 1277. He writes as follows:

"After this Leo sat John of England, by nation of Mayence, by some writers said to be Benedict III. He sat two years, five months, and four days: and the Pontificate was vacant a month. He died at Rome. It was said that this Pope was a woman, and that having been taken in her youth to Athens, in male attire, by one who was her lover, she acquired such proficiency in various sciences that her equal was not to be found. And having afterwards come to Rome to teach the trivium,[*] she had among her hearers many very learned men, and having gained for herself in that city a great reputation for purity of life and learning, was unanimously elected Pope. But in her papacy she became with child by one of her servants; and being ignorant of the time when the birth should be, she was overtaken by the pains of childbirth as she was going from the church of St. Peter to that of the Lateran, and gave birth to a child between the Coliseum and the church of St. Clement. It is said that she was buried there. And as our lord the Pope does not pass by that road, it is thought by some that he avoids it from detestation of that event. She is not placed in the Catalogue of Holy Pontiffs, both because of her sex and because of the atrocity of the circumstances."

Such is the narration of the worthy Archbishop of Consenza, who as a sometime resident at Rome, ought to have had ample means of inquiring into the foundation and authenticity of the tradition. It will be observed that many fresh particularities are here met with for the first time, though the lady's biography is not yet complete. In later days, when the question of Popess or no Popess became a debated matter between Romanists and Protestants, and a common tilting ground for polemical champions of either faith, and every circumstance of the story was contested, and each fragment of authority sifted with unsparing erudition, it was attempted to be shewn that the above passage was spuriously introduced into the work of Martinus Polaccus. Some manuscripts, it was shewn, do not contain it. But as Signor Bianchi-Giovini truly and candidly remarks, this fact would prove nothing; for it is just as likely that it should have been designedly omitted from those which have it not as inserted in those which contain it. Moreover, it is proved, that the copies of the archbishop's Chronicle, which circulated in Italy shortly after his own time, contained the passage in question, from the circumstance of Fra Tolomeo, a Dominican of Lucca, having remarked in a work of his that he had met with no author who spoke of the Popess except Martinus.

As we advance into the fourteenth century, the number of writers who speak of Giovanna rapidly increases. The legend is evidently consolidating quickly into history. At all events, the belief that such a thing had happened is by that time evidently very general, though still perhaps somewhat vague and unsettled. The tradition, still partially in the embryo state, is not fully incarnate in its consistent flesh and blood body of circumstances and life-like particulars. The work, however, now goes rapidly on.

Siegfried, the priest, who finished his "Epitomes" in 1306, contributes his quota of new matter, adding to what we have already, that "at Rome in a certain spot of the city is still shewn her statue in pontifical dress, together with the image of her child, cut in marble in a wall." Thanks! good Siegfried! "the smallest contributions being thankfully received," as truly they seem to have been by each successive compiler, the entire edifice will soon be completed.

Amalric di Angier, Prior of the Augustins, who wrote in 1362, contributes the new circumstance, that Giovanna taught three years in Rome previous to her election. We are also indebted to him for originating the suggestion as to the high feeding being the primary cause of her backsliding.

We have now arrived at the age of Petrarch and Boccaccio. Of the first, Signor Bianchi-Giovini writes in words which we quote, as containing a curious notice of the estimation in which Petrarch is held at the present day among his countrymen, thus: "The singer of Monna Laura, whose verses—the delight of our fathers—are so wearisome to us. Francesca Petrarca, writing about 1370, repeats the story of Martinus Polaccus." He says nothing, however, about the pregnancy, merely remarking that the sex was discovered afterwards.

Not so the gentle Ser Giovanni da Certaldo. The story was too good a one for him to refrain from making the most of it in his book of "celebrated women." Here, as elsewhere, our good Boccaccio shews himself more fitted as well as more inclined to hold the pen of a novelist, than that of an historian. And in truth he wields the former so frankly as to dispense an historical investigator from the necessity of examining his account of the matter very strictly. His account, moreover, is too long, as well as here and there too highly colored to adapt it for citation in our pages. We may remark, however, that he is the first to assert that her original real name was not known, but that some thought that it was Gilberta.

Hermann Körner, a German Dominican, author of a chronicle which comes down to 1435, speaks at length of the Popess, and adds the new facts, that the line of procession adopted by the Popes in passing from the Vatican to the Lateran, was changed by the decree of a Council; and that a usage was thereafter established to verify the sex of the Popes at the time of their election.

Contemporary with Körner was the French poet Martin Franc, who speaks at length of Giovanna in a poem in the form of a dialogue between a champion of women and an accuser of them. We will quote two or three stanzas as an interesting specimen of the poetry of that day, and of the feeling then prevalent anent the Popess. The verses are, as may be supposed, a part of the pleading of the woman-hater.

"Tu scais qu'elle scent tant des lettres
Que pour son sens on la crea
Papesse et prestresse des prestres.
O ! comme bien estudia !
O grand louange si a !
Femme se dissimula homme,
Et sa nature renia
Pour devenir Pape de Rome.

"O benoist Dieu ! comme osa femme
Vestir chasuble et chanter messe !
O femme oultrageuse et infame !
Comment eust elle la hardiesse
De se faire Pape et Papesse ?
Comment endura Dieu, comment
Que femme ribaulde et prestresse
Eust le'glise en government ?"

The defender afterwards making the best he can of so bad a case, concludes:

"Or laissons les pechez, disans
Qu'elle estait clergesse lettrée,
Quand devant le plus souffisans
De Rome ent l'issue et l'entré,
Encor te pent estre monstrée
Mainte préface que dicta
Bien et sainctement accoustrée
Ou en la-foi point n'hesita"

Thus it seems that Martin Franc believed that there were writings of her extant, of which the orthodoxy was irreproachable. But a poet's authority must not pass for more than it is worth; and no other writer speaks on this subject.

In the middle ot the fifteenth century Felix Hammerlein, a canon of Constance, relates at full length the story as it then stood, and adds, that the manner of her death was that she had chosen for herself for the remission of her sins. This alludes to a legend which seems to have been current at that period—for it is mentioned at length by other writers of the latter half of the fifteenth century—that an angel appeared to Pope Giovanna, and proposed to her this choice; either to carry on and finish her papacy with glory, and be punished eternally, or to die disgraced publicly as she did, and be pardoned.

Nearly about the same time the English author of two centuries of "Scriptores Majoris Britanniæ," whom Signor Bianchi-Giovini styles "Giovanni Balco di Suffolk," writes at length of the female Pope, and pretty well completes the tale; adding, moreover, that she ordained bishops, priests, deacons, and abbots, consecrated altars and churches, administered sacraments, and gave the monastic tonsure to the Emperor Lothaire. Thus our countryman John Bayley may be deemed to have put the last stone to this most extraordinary edifice, which it has therefore taken six hundred years to rear,—that being about the space of time which elapsed from the date assigned to Giovanna to that of our countryman John Bayley.

But if this worthy may be considered the last of the framers of the story, with his name begins a new phase in the history of the tradition. Hitherto we have had a succession of writers more or less credulous, more or less conscientious in examining the authorities for the facts they related, more or less scrupulous in eking out meagre information with guesses, supposed probabilities, or pure invention. But they cannot be supposed to have had any motive for falsifying history than such as arose from such defects as these. They were mere chroniclers relating their stories without passion or bias. Henceforward this is no longer the case. Our relators now are no longer chroniclers but controversialists; no longer quiet annalists copying each other in peaceful succession, but polemical champions tilting at each other with all the hatred of rival Churches, and availing themselves of every vantage ground which a subtle quibble or an opponent's oversight might afford.

The first doubt cast upon the story seems to have been by the celebrated Æneas Silvius Piccolomini, who became Pope, with the name of Pius the Second. In a conference which he held with the Taborites of Bohemia in 1451, their spokesman urged the history of the Popess as a proof of the fallibility of the Church. The Pope replied, that this proved no error in faith or doctrine, but merely ignorance of fact;—besides that the story was a doubtful one.

The heretics begin to avail themselves of the story as an argument against their mighty enemy. Mother Church then, for the first time, finds the story of sufficient importance to be worth a denial.

Now, worthy John Bayley was first Bishop of Ossory; then became Protestant, retired into Germany, and there wrote his work. Hence his anxiety to make out—which he does in the shortest manner, by simply asserting the fact—that the false pope *had created bishops*, &c., and thenceforward the literary history of the legend and its fortunes is the history of one long battle. It is not our intention to inflict upon our readers a detailed account of all the alternate successes and defeats in this long war, with the prowess of the successive champions, or even the "names, weights, and colors of the writers, "*Summa sequamur fastigia rerum.*"

After one or two Romanists skirmishers, who appear not to have excited much attention, the French Jesuit, Richeome, published, first in Latin, then in French, under the name of "Florimond Raymond, Councillor of the Parliament of Bourdeaux," a volume of considerable power and acuteness of argument, against Bayley and his predecessors. This was published in 1587, and seems to have been rather a stunning blow; for we have to go on till 1598 before we meet with any reply, and then one William Perkins fires off a quarto in favor of the Popess. But what could a poor William Perkins do against the three gigantic champions who then came forth and threatened to crush her out of sight for ever beneath the colossal folios of their eruidtion—Baronius, Binius, and Bellarmine! a doughty trio!

The reputation, learning, and burning zeal of these mighty pillars of Mother Church, however, served but to awake the counter zeal and vigilance of a host of adversaries. One German writes an "Assertio veritatis Historia de Papa Johanna VIII., quod fuit mulier, et puerpera," published at Oppenheim in 1612; and another in 1616, puts forth at the same place, "Papissa Johanna toto orbi Manifestata." More remarkable for eruidition, and the assistance they contributed to the establishment of Pope Joan in the general belief, were the works of an Englishman and a Dutchman, who advadced into the lists much about the same time—Alexander Cooke, the one, and Egbert Grim, the other. Mighty was the list of authorities—portentious the bulk of citations amassed by these worthies in their corpulent quartos—a show of evidence which seems to have produced no inconsiderable effect on the minds of the literary world of that day. And yet truly all their learned labor produced *a show* of evidence only; for of what value as testimony are the assertions of whole catalogues of authors, were they yet twenty times more numerous than they are, if it so be that they but copy each other? What more conclusive proof do they afford of the truth of the statement in question, than that by which it is sought to establish the doubted existence of an individual from a great variety of portraits of him, all—as Archbishop Whately so well says, in his admirable "Historic doubts concerning Napoleon Bonaparte,"—all striking likenesses of each other.

Messieurs Cooke and Grim, however, produced so strong an impression in favor of the Popess, that Urban the Eighth thought it necessary to commission the Dominician monk, Leone Allacci, to controvert them. In addition to the arguments adduced by his predecessors, he endeavored to show the great presumption against the truth of any such story, arising from the silence of the Greek writers of the period, who from the hostile feelings of rivalry existing between the Churches, would have been only too glad to have got hold of such a scandal, and from the presence of Grecians at Rome at that period, would have been sure to hear of it.

Allacci thus did good service; and so did the celebrated Sorbonist Launoy, who broke a spear in the same quarrel. But the most damaging enemy that Giovanna had yet had to contend against was the Protestant minister, David Blondel. Hitherto her adversaries had all been Catholics. Her defenders, since the beginning of the controversy, all Protestants. But it was now a case of—*et tu Brute!* And the Protestant's blow was, not only from this cause, but intrinsically in itself, the heaviest of all. With a clearness of logic, and a just appreciation of the real nature of historical evidence, which seems to have been greatly wanting to his predecessors, he demonstrates the absence of all good *foundation* for the story, the utter weakness of its *early* years, the suspicions which stand around its cradle; and instead of disputing how far Pope Joan was believed or generally recognized in this or that century, shows that by her own *contemporaries* she was never heard of at all.

Blondel was an honest man, to whom truth was more dear than any Plato; and who was moreover a sufficiently good Protestant to know, that the good cause needed no such dubious assistance as the tradition in question could afford. The exceeding anxiety of Protestant writers to maintain the existence of this scandal would lead to the inference, that they thought all the huge mass of undoubted abominations with which the papacy is chargeable, were not sufficient to call for, and in God's good time to ensure its overthrow. And accordingly good David Blondel met with the fate of all those who prefer truth to the claims of party. He was bitterly abused by all sections of the reformed Church. Some accused him of wishing to obtain a benefice from the Pope; some that he had sold himself for a pension to the French monarch; while the most moderate blamed him for having banished from history a story favorable to the Protestants, instead of leaving it to the Catholics to rid themselves of it as best they might. So low was in those days the standard of morality, even among the religious world, that it was possible for a man to be openly and avowedly blamed for admitting a truth unfavorable to his party!

Blondel's book called forth a crowd of writers in defence of the Popess, of whom the principal was the celebrated Protestant minister, Samuel des Marets, better known perhaps under his Latinised name, Maresius. His labours, however, served but to call forward a more powerful champion than he, on the other side; and his "Joanna Papissa Restituta," was answered by the Jesuit Labbe's "Cenetaphium Papissæ Joannæ." The celebrity of Labbe's name drew forth a fresh crowd of writers in support of the tradition, among whom the only name of sufficient note to be worth mentioning is Frederick Spanhei, whom brought a vast mass of ill-ordered erudition to bear upon the subject. Lenfant produced a more readable French work out of Spanheim's Latin materials; and once more the tide of public opinion seemed to run in favor of the existence of a Popess. But shortly afterwards another Protestant, undeterred by the abuse lavished upon Blondel, gave her what may be deemed the *coup de grace*. This was the acute and learned Bayle, who with his rigid and judicial impartiality sums up the essence of all that had been advanced on either side, and shows most victoriously the altogether insufficient grounds on which the entire story rests. Two other strong polemical athletes, moreover, were at hand, to finish her if any signs of life were yet seen to remain. These were Leibnitz and Eckhardt; and with their works the long controversy may be said to conclude, and Pope Joan to be finally convicted of being an imposter, or rather a nonenity.

We pointed out, in an earlier part of this article, the strange amount of probability that might be adduced in favor of this extraordinary legend, from the consenting opinion of a vast number of believers in it, and from the apparent impossibility that fiction should usurp the place of truth on such a subject. We will now very briefly set before the reader the reasons that must compel every competent judge of historical evidence to reject the entire story, despite of all the seemingly strong case that may be made out on the other side.

In the *first* place, from the year 855, the date assigned to the supposed Popess, to the time when Marianus Scotus, who *first* mentioned such a tradition, wrote, there is a lapse of 200 *years*. This alone is very strong against the tale. But the case becomes much stronger as we proceed with our examination. There were at that time, 855, at Rome, four individuals who afterwards became successively Pope, under the names of Benedict the III., Nicholas the I., Adrian the II., and John the VIII. These persons were all either priests or deacons of the Roman Church during the Papacy of Giovanna. They must have taken part in her election, and in all probability have been present at her extraordinary death. Now of all these four Popes we have remaining many and various writings; but not a word or a hint of the Popess. On the contrary, all represent Benedict the III. to have succeeded to Leo the IV.

But it is urged that these writers all agreed in purposely suppressing any allusion to the facts of the female Pope, in obedience to a decree, (supposed, for none such is extant,) consigning Giovanna, and all concerning her, to silence and oblivion. It would be easy to adduce many instances of the violent exertion of authority to enforce absolute secrecy respecting events of which it was wished that no memory should survive—and ever in vain, and that in matters of far less necessarily public notoriety than the accession, reign, and death of a Pope. It is extravagant to suppose that such a suppression could have been attained, even by all the power and influence of the Church. But even if we admit that the Church accomplished then an objeet, which she evidently could not accomplish 200 years later, when her despotic power was far more consolidated and complete,—even if we grant that all Romanists for 200 years avoided all allusion to the Popess, because the subject was a prohibited one, it will still remain to be shewn, why others, to whom this reason for silence did not extend, were equally mute. The Greek writers would only have been too glad to have propagated such a tale of scandal against their rival. Polemical controversy and hostile feeling ran high at that time between the western and eastern Churches. A paper war raged between Pope Nicholas the I. and Pothius the Patriarch of Constantinople. There were plenty of Greeks at Rome at the time assigned for the reign of the Popess, learned Greeks too, and exceedingly hostile to the Church of Rome and the pretensions of her Pontiffs. Yet not only do we find no allusion to any such history in any Greek writer till more than 400 years afterwards, but we *do* find in Photius himself no less than three positive assertions in different parts of his writings, that Benedict the III. succeeded Leo the IV.

Ado, Archbishop of Vienne in France, who was at Rome in the year 866,—about ten years, that is, after the reign of the supposed Popess, has left us a chronicle, in which he says, that Benedict succeeded immediately to Leo. Prudentius, Bishop of Troyes, living at the same time, testifies the same thing.—The Council of Toul, held in the year 858, in a letter to the Bishops of Britanny, speaks of Leo, and his successor Benedict. Lupo, Abbot of Ferrieres, in a letter to Pope Benedict, says that he, the Abbot has been kindly received at Rome by his predecessor Leo the IV. In a Council held at Rome in the year 863, under the presidency of Pope Nicholas the I that Pontiff speaks of his predecessors Leo and Benedict. Hincmar, Archbishop of Rheims, writing to Nicholas the I., says that certain messengers whom he sent to Pope Leo the IV., had been met on the journey by the news of that Pontiff's death, and had on their arrival in Rome found Benedict on the throne. And Signor Bianchi-Giovini cites no less than ten other contemporary writers, who all testify to the same immediate succession, and afford not the slightest hint of any story or tradition that can throw the least light on that of the female Pope.

Must we then conclude that the long believed story which has exercised the critical acumen of so many scholars, had absolutely *no* foundation—that Pope Joan was in truth an exception to the immutable "ex nihilo nihil fit,"—that here at least was a case of a very large body of smoke where there was no fire? Not so! doubtless there was *some* origin for the story. And several conjectures have been advanced upon the subject; among them, that which Signor Bianchi-Giovini prefers, seems to us also so very much the most probable, as to leave very little doubt upon the subject.

Pope John the X., elected in 914, was raised to the Papal throne, entirely by the power and influence of his mistress,—that well-known Theodora, whose beauty, talents, and unscrupulous intrigues made her well-nigh absolute mistress of Rome in the beginning of the tenth century. As pontiff he was little more than an instrument in her hands. In 931, the equally celebrated daughter of Theodora, Marozia, caused her son, by Pope Sergius the III., to be placed in the chair of St. Peter, with the title of John the XI.; and this Pope was yet more a mere puppet in the hands of his mother, than John the X. had been in those of his mistress. Again, in 956, a grandson of the same Marozia, the son of her son Alberic, by her first husband, Guido, Marquis of Tuscany, was raised to the Papacy, with the title of John the XII. This Pope had many concubines, and was much goverened by some among them, especially by one Raineria, of whom a contemporary chronicler tells us, that he was so blindly enamoured that he made over to her the government of several cities, and gave her the gold vessels and ornaments belonging to the Church of St. Peter.

Now, it seems exceedingly probable, that it may have been satirically said by the Romans of one or all three of these Popes John, that Rome had a Popess instead of a Pope—that the chair of St. Peter was (virtually) occupied by a female. And it is very easy to conceive how such things, repeated from mouth to mouth, with a variety probably of bitter and irreverent scoffs and sneers, and jocose addition of buffoonery and ribald circumstances, might have been received as matter of fact assertions by German strangers in Rome, ignorant, credulous, and well disposed to carry back to their own country any marvellous tale respecting that far city, to which all men's eyes were turned with awe and interest. For it must be observed, that it is quite clear that the tale was first manufactured into history in Germany; that no such story was believed or known in Italy till after it had found a place in the works of German chroniclers. It is also to be remarked that even thus the absurdity was too monstrous to pass into *contempory* history even in a distant country. The wandering monks or soldiers who first brought back the tale, spread it gradually among the people, among whom, it in the course of time, assumed the form of a substantial and accredited tradition. Thus a small spring bubbles up unseen among the turf, first spreads itself abroad over the low ground of the neighboring meadow, and *then* finds for itself a channel and becomes a visible stream, noted by geographers, and furnished with a name.

Observe, too, that the stream is sure to find material of increase as it pursues its course onwards.—The first small nucleus of the story of the Popess, made its earliest appearance in history as the naked fact, that a female had sat in St. Peter's chair. And the gradual agglomeration of circumstances around this nucleus, is perhaps the most curious part of the whole matter. No portion of Signor Bianchi-Giovini's work is more able and ingenious, than his examination of each of these added circumstances successively, and the conjectures he offers to account for the origin of each new invention. He is so happy in most of these as to leave small doubt on the mind of his reader, that the fable did really grow in the manner, and from the causes, which he suggests. It would, however, take a much larger space than we can spare to the subject, to transfer this mass of curious historical speculation at all adequately to our pages. We can only advise those who are curious to investigate the growth of falsehood,—to catch it in the process of transforming itself into apparent truth,—to read for themselves Signor Bianchi-Giovini's unpretending little duodecimo of 250 pages.

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[*] Esame Critico degli Atti e Documenti relativi alla Favola della Papessa Giovanna. Di A. Bianchi-Giovini. Milano, 1844 1 vol. 12mo p. 250.

[*] The Trivium, as is well known, comprised grammar, rhetoric and logic. The Quadrivium consisted of arithmetic, geometry, music and astronomy.

A VERY MELANCHOLY CASE.

Yesterday a gentleman of the name of Thomas Carlyle was brought before Mr. Punch, charged with being unable to take care of his own literary reputation—a very first-rate reputation until a few months past—but now, in consequence of the reckless and alarming conduct of the accused, in a most dangerous condition; indeed, in the opinion of very competent authorities, fast sinking.

The office was crowded by many distinguished persons, all of them manifesting the most tender anxiety towards the accused; who, however, did not seem to feel the seriousness of his situation; but, on the contrary, with folded arms and determined expression of visage, called the worthy magistrate (Mr. Punch) a "windbag," a "serf of flunkeydom," and "an ape of the Dead Sea."

John Nokes, a policeman with a literary turn, proved that he had long known the doings of the accused.—Witness first became acquainted with him through his "Life of Schiller," a work done in the very best and decentest manner, in which no offence whatever was committed against the people's English; for he, John Nokes, had no idea that English should be called either "king's" or "queen's," but emphatically "the people's English." Had since known the accused through "*Sartor Resartus*," "The French Revolution," "Past and Present," and "Oliver Cromwell." From time to time, as he went on, witness had marked with considerable anxiety, an increasing wildness, a daring eccentricity of manner in the doings of the accused, frequently observing that he delighted to crack and dislocate the joints of language, and to melt down and alloy sterling English into nothing better than German silver. Nevertheless, witness did not believe the reputation of the accused in any positive danger, until some three or four months back, when he detected him running wildly up and down the pages of "Frazer's Magazine," pelting all sorts of gibberish at the heads of Jamaica niggers—fantastically reproaching them for being "up to the ears, content in pumpkins, when they should work for sugar and spices" for their white masters—threatening them with the whip, and, in a word, dealing in language only dear to the heart—witness meant pockets—of Yankee slave-owners and Brazilian planters. Since then, witness had named his suspicions to several most respectable publishers, warning them to have an eye upon the offender.

Peter Williams, teacher at the Lamb-and-Flag Ragged School, deposed that he had purchased two numbers of a work by the accused, called "Latter-day-Pamphlets." The first number appeared to him (witness) to develope rabid symptoms,—but in the second, in Model Prisons, there was nothing in it, but barking, and froth. (Here several passages were read that fully bore out the opinion of the witness; passages which created a melancholy sensation in court, many persons sighing deeply, and in more than one instance dropping "some natural tears.")—Witness did not believe it consistent with public safety that, in his present temper, the accused should be trusted with pen-and-ink. If permitted the use of such dangerous weapons he would—until recovered from his present indisposition—inevitably inflict upon his reputation a mischief from which it could not recover. As it was, witness considered it far from safe.

Mr. Punch asked the accused if he had any thing to say; whereupon accused, with a withering smile, replied:

"Preternatural Eternal Oceans"—"Inhuman Humanitarians"—"Eiderdown Philanthropy"—"Wide-reverberating Cant"—"Work Sans Holiday"—"Three Cheers more, and Eternal, Inimitable, and Antipodean Fraternity"—"Pumpkindom, Flunkeydom, Foolscapdom, and Pen-and-Inkdom!"

Mr. Punch observed, this was a melancholy case. He could not release the accused unless upon good and sufficient surety. Whereupon two gentlemen—publishers of the first respectability—declared themselves willing to be bound, that the accused should not, until in a more healthful frame of mind, be allowed the use of paper and goose-quills.

It is believed that if accused again offend, the whole body of publishers will insist upon his compulsory silence. Let us, however, hope better things.—*Punch's Police.*

Gleanings from Foreign Publications.

Londoners will be surprised, says the *Weekly News*, to learn from the correspondence of the *New York Tribune*, that "the progress of Socialism in London is immense, and takes an admirable direction. The higher classes, *including the clergy*, are always engaged in it; the other portions ofsociety are preparing for it." It cannot be said thatthe *Tribune* is not a *newspaper*.

——M. Victor Hugo asks, it is said, no less than £6,000 for a romance which he is writing, to be called *La Misere* or *Les Miseres de Paris!*

——The *Daily News'* correspondent at Rome writes, "You may obtain some idea of the degree to which the prisons are swarmed, when I inform you that the contractor-general for the prisoners' food now issues *forty-five thousand rations daily*; a frightful number of sufferers for political opinion in so small a state, for such we must consider them to be, with the exception of five or six thousand galley slaves and common offenders."

——It is, writes an Edinburg correspondent of the *London News*, perhaps, not generally known to you Southern readers, that Professor Playfair was, at one period, "a pastor of the kirk." He was minister of Liffand Benvie, in the country of Forfar; but he seems to have been then more devoted to his philosophical than in his theological studies, if we may conjecture so much from the following curious anecdote. In passing through a village in his way to a sacrament, he was descried by an old woman who was sitting or standing at the door of her cottage, who lost no time in remarking to one of her neighbors—"There goes past Playfair, of Liffand Benvie; if ever he saves a soul, I'll eat it."

——Fire Annihilator.—Several interesting and successful experiments were exhibited on Friday last, at the London Gasworks, Vauxhall, before a numerous company of ladies and gentlemen, invited to witness the effective power of Mr. Phillips's new invention for extinguishing fires. The agent by which it is sought to accomplish the object is a mixture of gas and vapour. After several experiments on a small scale, to show the success he had attained by these means, the attention of the company was directed to a compartment of a large open building, quite twenty feet high inside, which was fitted up with partitions and temporary joisting of light wood, well soaked with pitch and turpentine, and overhung besides with rags and shavings, soaked in the like manner. The torch was applied to this erection, and the flames, which ascended immediately, at length roared with a vehemence which drove the spectators back to a distance of forty feet, and was already beyond the power of water. The inventor then brought forward one of his hand machines, and threw out a volume of gaseous vapor, which, in half a minute, entirely suppressed all flame and combustion; and to show that the vapor which now filled the space was quite innoxious, Mr. Phillips mounted into the left, and passed and repassed through the midst of it with a lighted candle in his hand. The machine with which this effect was accomplished was rather larger than a good sized coffee-pot, and consisted of three tin cases, one within another, and mutually communicating. There was a small quantity of water in the bottom of the machine, and in the centre case was a composite cake, of the size and color of peat—containing, in the middle of it, a phial of sulphuric acid and chlorate of potash. In order to put the machine into action this phial is broken, and a gaseous vapor is generated so rapidly and in such quantity that it immediately rushes out from a lateral spout with great impetuosity. Mr. Phillips explained that a machine of any size could be made according to the purpose for which it was intended, and that a company was at length formed to carry the invention into effect.—The company present very cordially expressed their satisfaction with the success of the achievement.—*London Inquirer.*

——Reading the Funeral Service "under Protest."—At Brampton, England, recently, on the occasion of the burial of a Mormonite, a Rev. J. Jebb, the incumbent of the district, on being called upon to read the funeral service, allowed his curate to do it for him, having first read in full canonicals the following protest, at the gate of the church-yard:—"In the name of God, I, John Beridge Jebb, Incumbent of the District of St. Thomas's, Brampton, do hereby solemnly protest against the use of the burial service of the Church of England in this case—and I do declare that it is *only* because I am *compelled by the law of the land*, that I allow a member of the community of Mormons, or Latter-day Saints, to be interred according to the rites of the church in the church-yard of St. Thomas's, Brampton; and I further declare that I cannot knowingly officiate in any future interment of the same kind without doing violence to my conscience."

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